

Local Government & Public Services Committee

LGPS(2)-01-06(p.6)

Date: Thursday 12 January 2006

Venue: Committee Room, National Assembly for Wales

Title: Issues arising from the Licensing Act 2004

1. Background

This briefing provides Members with an update following the full implementation of the Licensing Act 2003 on the 24th of November 2005, and also a brief account of collaborative work being undertaken to develop a strategic approach to the management of the night time economy in Wales in order to address the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The Act provides:

- Police and Licensing Authorities with new and expanded powers to tackle problem premises and licensees, including closure provisions, e.g. where there have been breaches of licence conditions or persistent sales to those under age.
- Greater influence for local residents e.g. the opportunity to seek a review of licences where problems are experienced in relation to the licensing objectives. A review can lead to a range of sanctions including imposition of conditions, such as restricting operating hours or insisting on provision of CCTV facilities, through to the suspension or revocation of a licence.
- Local authorities with new roles and responsibilities in connection with the administration, inspection and enforcement of the Act.
- Businesses with more flexibility about what they can offer in terms of the mix of licensable activities and flexible closing times.

2. Key issues

2.1 Applications processed in Wales

James Purnell, Minister for the Creative Industries at the Department for Culture Media and Sport (DCMS) has recently gone on record to thank local authorities for helping to ensure that almost 100% of licensing applications were received before deadline.

The Local Authorities Coordinators of Regulatory Services (LACORS) has conducted a number of telephone and web based surveys throughout the implementation period to track how authorities have implemented the Act.

The weekend after the Act's full introduction a total of 58 local authorities across England and Wales responded to a specific phone survey and reported that the new Licensing Act has resulted in no noticeable impact with some local authorities reporting fewer incidents

than usual; and it was apparent that in some cases premises did not take advantage of their extended licensing hours. The research also highlighted that very few premises were operating without a licence and that those found doing so generally closed voluntarily and acted responsibly. This trend has been observed also by the Home Office and DCMS.

Key facts supplied by DCMS for England and Wales for 25.11.05:

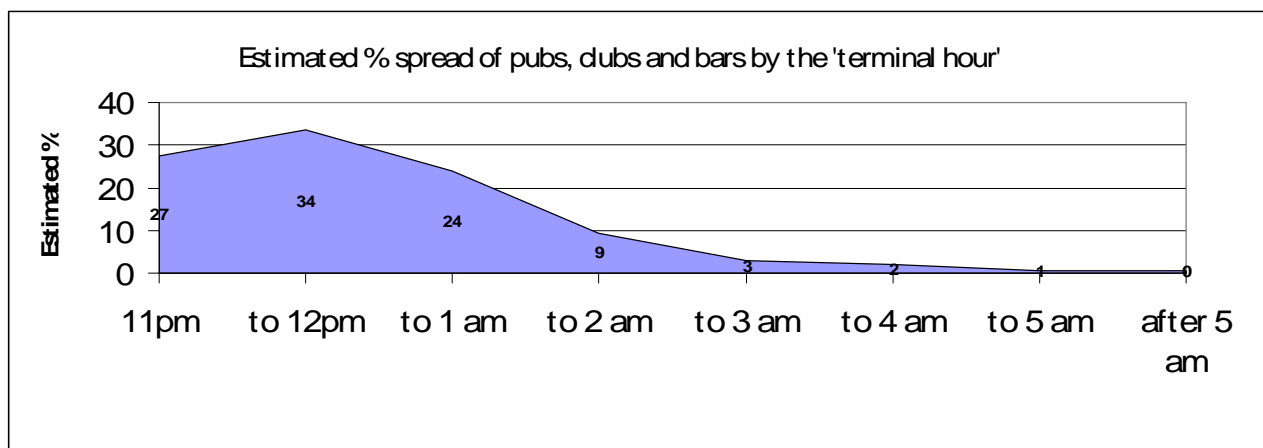
- 305 pubs/bars/clubs have a 24 hour licence (0.16% of all licences)
- 85% of pubs/bars/clubs will be closed before 1am (51,000)
- 80% of pubs/bars/clubs who varied their licence (36,600) have had conditions imposed (e.g. restrictions on opening times, use of plastic glasses).
- In over 95% of cases that led to a hearing, Licensing Committees responded to resident's concerns by adding conditions and/or adjusting hours.
- Only 0.4% of licence applications have gone to appeal (around 760 cases).

2.2 Extended Hours for Licensed Premises

A recent DCMS survey has shown that about 0.5% of all licensed venues have actually been granted a licence for 24 hours, and although they have this option, many won't take advantage of it for commercial, or other reasons. The original prediction by DCMS was a 2% adoption of 24 hour licenses.

Key facts supplied by DCMS for England and Wales for 25.11.05:

- Around 190,000 licence applications have been granted in total.
- 1,000 24 hour licences have been granted – 0.5% of total licences.
- Therefore 99.5% (around 189,000) of premises will not allow 24 hour drinking.
- Just over 1/3^d of 24 hour licences are for supermarkets (256); around 1/3^d are for pubs, nightclubs and bars (305, or 0.16% of all licences).



- There has been no apparent movement across England and Wales to a new single terminal hour.
- The bulk of pubs/bars and nightclubs (85%, i.e. around 51,000) will close before 1pm.
- More than 25% (15,000) of pubs/bars will close at 11pm, and 55% (33,000) will be closed by 12pm.

2.3 The Independent Licensing Fees Review Panel Interim Report

The Government are committed to a regime that is self-funding, and a Panel chaired by Sir Les Elton was set in June 2005 to ensure fee levels are set at a level to allow licensing authorities to recover their costs without placing an unreasonable burden on licensees.

On the 5th of December, the Government published the Independent Licensing Fees Review Panel's Interim Report. The report and a DCMS press notice can be accessed at:

http://www.culture.gov.uk/alcohol_and_entertainment/monitoring_and_evaluation/ifreview.htm

At this stage it has not been possible to achieve firm conclusions about licensing authority income and net costs, or the impact over the transition period of higher than anticipated costs, and consequences, on fees payers. However the Panel have made a number of recommendations to the Government, among which are that there should be a central source of information explaining what the new Act is intended to cover; that an annual date should be set for the Annual Fee; and simplification of the application process.

The final report on the fees levels is expected in the autumn 2006.

2.4 The Scrutiny Council Initiative: Monitoring and Evaluating the Licensing Reforms

DCMS and the Local Government Association have identified a small group of licensing authorities to become Scrutiny Councils to help with monitoring and evaluating the new regime. The practical experience gained will be fed into the review of the Statutory Guidance and any proposals for clarification and amendment. The Scrutiny Council initiative is time limited and will run until May 2006.

The Scrutiny Councils are: Birmingham, Blackpool, Brighton, Bristol, **Cardiff**, Havering, Manchester, Newcastle, Nottingham, Taunton Deane. These councils have been selected because of the quality of the data they hold, and their ability to quickly engage in evaluation.

2.5 Alcohol Misuse Enforcement Campaign

The largest Alcohol Misuse Enforcement Campaign (AMEC) to date started on Tuesday 15th of November 2005. The funding provided by the Home Office was set aside to assist authorities cover the costs of operational test purchasing exercises and to bring about a nationwide crackdown on underage sales.

Across the UK England and Wales over 140 local trading standards authorities participating and 240 Police business Command Units in AMEC; 20 of the 22 local authorities in Wales are participating in the campaign in collaboration with their regional Police Basic Command Units and a total of £38,000 has been allocated by the Home Office for the exercise which runs until 18th December 2005 and the exercise has been coordinated in Wales by Trading Standards Officers in Cardiff Council – a priority area for the campaign.

3. The development of a Strategic Approach to the Night time Economy

On 19th January, the Welsh Local Government Association is arranging a workshop in partnership with South Wales Police and the Welsh Assembly Government to populate, and prepare for wider consultation an agreed draft framework for the effective management of the late night economy across Wales.

There are a range of local authority policy areas that have a role to play in this area, for example, community safety; transport; licensing officers; education; planning and regulatory services. All must play their part in ensuring there is a strategic approach to planning, monitoring and managing night time activities and new responsibilities on local authorities under the Licensing Act. To reflect the partnership approach and the multi-agency approach that will be required in achieving this, officers from the Assembly and the Welsh police forces will also be attending and facilitating the workshop sessions.

The initial concept for a framework, which brought together all agencies that have a role in ensuring local late night economies are managed effectively, enforcing licensing and related regulations, reducing alcohol related crime, creating safer places for all citizens to visit and enjoy and promoting public reassurance, was developed by the Overarching Leadership Group in the South Wales Police force area and was supported by all local authorities in the locality. The aim is to develop a flexible holistic framework, which is adaptable to reflect local circumstances and priorities involving all relevant agencies and departments and with commonly agreed aims and objectives.

Following initial discussions with the Police and the Assembly, members of the Association have endorsed their support for developing the framework further to secure its applicability across Wales, using the South Wales model as a basis for further discussion. The Minister for Social Justice and Regeneration has also expressed her support for all relevant agencies working closely together across Wales on this issue.

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