

**House of Lord Select Committee Report on the Licensing Act 2003**

The following table highlights our submissions to the House of Lords Select Committee on their report into the Licensing Act 2003, the Select Committee's recommendations, and the Government's response

<b>Subject area</b>	<b>Watford Borough Council's Submission</b>	<b>House of Lords Select Committee's Response</b>	<b>Government's Response</b>
<b>The licensing objectives</b>	While the existing licensing objectives are sufficient, consideration should be given to a fifth licensing objective regarding public health	Promotion of health and well-being is a necessary and desirable objective for an alcohol strategy, but it is accepted that it is not appropriate as a licensing objective	The Government acknowledged that public health organisations have an important role to play, which is why they are a responsible authority. The Government also acknowledges that their involvement has had a positive impact, and states that they will continue to support an increased focus on public health. They say that they want information sharing to continue, in order to support future policy decisions, and the sharing of best practice.
<b>Cumulative Impact Policies</b>	Cumulative Impact Policies (CIPs) should be given a statutory footing, as recommended in the Home Office's Modern Crime Prevention Strategy (March 2016).	The Government's current move to transfer Cumulative Impact Policies from the section 182 Guidance and to place them on a statutory footing was supported	These changes were introduced by the Police and Crime Act 2017 but commencement of the new provisions was put on hold while awaiting any recommendations made by the Select Committee. The measures will now be

## APPENDIX 1

			commenced at the next available opportunity.
<b>Early Morning Restriction Orders</b>	Late Night Levies and Early Morning Restriction Orders are not the most appropriate tools, and a partnership approach and positive compliance are more efficient, through using Pubwatch and similar forums, the Best Bar None scheme, or even Business Improvement Districts.	As no Early Morning Restriction Orders have been introduced, it is recommended that the provisions on EMROs should be repealed.	Although no licensing authorities have implemented an EMRO, the Government believes that it is important to keep this tool available should any licensing authority wish to consider whether it is suitable for use in their area.
<b>Late Night Levies</b>	Late Night Levies and Early Morning Restriction Orders are not the most appropriate tools, and a partnership approach and positive compliance are more efficient, through using Pubwatch and similar forums, the Best Bar None scheme, or even Business Improvement Districts.	The Select Committee had considered calling for the levy to be abolished, but also acknowledged that the Government was proposing amendments which may stand some chance of successfully reforming late night levies. It was also recommended that the Government consult on keeping the late night levy and, if there was no support for the provision, to repeal the legislation after two years.	<p>The Government highlighted the amendments to the levy introduced in the Policing and Crime Act 2017, including:</p> <ul style="list-style-type: none"> <li>• Allowing licensing authorities to apply the levy in specific areas;</li> <li>• Give authorities the power to charge premises licensed to sell late night refreshment;</li> <li>• Give PCCs the right to formally request that an authority propose a levy</li> <li>• Require authorities to publish information on how the revenue raised is spent.</li> </ul> <p>The provisions will be commenced</p>

**APPENDIX 1**

			as originally intended, but there will be consultation on the level of charge appropriate for late night refreshment premises first. There is no intention to introduce a sunset clause through primary legislation.
<b>Advertising applications in a local newspaper</b>	It is right to review this requirement, how relevant it is to publish adverts in local publications, and whether this advertising is at all effective.	Notice of an application should not need to be given by an advertisement in a local paper. Notices should be given predominantly by online notification systems run by the local authority.	The previous Government consulted on this deregulatory measure in 2012 and only a small majority of responses were in favour. The Government considered that the removal of the requirement to advertise details in newspapers would be a step backwards from the efforts the Government has made to empower local people and as such this requirement will not be revisited.
<b>Licensing fees</b>	Licensing fees should be set at a local level, including TENS, on a cost-recovery basis, or determined by risk.	Section 121 of the Police Reform and Social Responsibility Act 2011 should be brought into force, and new Fees Regulations made requiring licensing authorities to set licensing fees. However, no specific reference was made to TENS, outside of how there should	The Government intends to make no change to the existing fees in the immediate future. They state that the revaluation of business rates, which came into effect in April 2017, and which increased rates for many licensed premises, meant that this is not the time to

## APPENDIX 1

		not be a split between 'commercial' TENs and some other class of TEN, which could have potentially included different fees due to the associated risks being different	make changes to fees. However, the policy will be re-considered in due course.
<b>Consistency between Licensing and other legislation</b>	The prospect of businesses only needing one permission per premises, which states what activities can be permitted on that premises, is a desirable one. This goal may be better achieved by combining the licensing and planning regimes, which would also address the problem of licensing policies not always being compatible with other policies, such as planning policies. However, we understand that this is a largescale reform with considerable impact.	<p>Coordination between the licensing and planning systems can and should begin immediately in all local authorities. The section 182 Guidance should be amended to make clear that a licensing committee, far from ignoring any relevant decision already taken by a planning committee, should take it into account and where appropriate follow it; and vice versa.</p> <p>The Select Committee also called for licensing applications to go before planning committees, instead of separate licensing committees, and for appeals to be handled by the planning inspectorate instead of magistrates' courts.</p>	<p>The Government will revisit the section 182 guidance with a view to strengthening the call for consistency, wherever possible, in matters considered by both licensing and planning regimes to support local authorities to make effective decisions.</p> <p>The Government recognises that the recommendations made by the Committee are the start of a debate, and that others are interested in there being further consideration of whether, and how, licensing and planning could work better together, including sharing good practice. Instead of transferring the functions of licensing committees to planning committees, they want to focus on improving training and providing stronger guidance on how</p>

**APPENDIX 1**

			<p>licensing hearings should be conducted, as well as disseminating good practice.</p> <p>There is no intent to change the system of appeals, but it is accepted that the appeals system could be approved.</p>
--	--	--	---