



House of Commons
Culture, Media and Sport
Committee

The Licensing Act 2003

Sixth Report of Session 2008–09

Report, together with formal minutes, oral and written evidence

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The Culture, Media and Sport Committee

The Culture, Media and Sport Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Culture, Media and Sport and its associated public bodies.

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Committee staff

The current staff of the Committee are Tracey Garratty (Clerk), Martin Gaunt (Second Clerk), Elizabeth Bradshaw (Inquiry Manager), Anna Watkins/Lisa Wrobel (Senior Committee Assistants), Ronnie Jefferson (Committee Assistant) and Laura Humble (Media Officer).

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Summary

The licensing process

We note that although the Licensing Act has simplified and improved the licensing process there is still concern that the system is too bureaucratic, complicated and time-consuming, especially where a premises is run by volunteers. We conclude that the Government should, together with local authorities, licence applicants and other stakeholders, evaluate the licensing forms with the aim of making them more user friendly.

Sporting and not-for-profit clubs

We are concerned that sporting and not-for-profit clubs should face the same licensing costs as the commercial sector. We believe that it is highly unsatisfactory that such clubs, with modest turnover and laudable aims, should be treated in exactly the same way as commercial operations. This is particularly the case with sporting clubs, which play an important role in ensuring community access to affordable opportunities to participate in physical activity. We conclude that in the case of not-for-profit clubs only the bar area should be taken into account when assessing the rateable value of the premises for the purpose of determining the appropriate licensing fee. In the case of sports clubs we recommend that they should be placed in a fee band based on 20% of their rateable value.

Personal licence holders

We note that it is important that there is appropriate control of the personal licence holder system in order to prevent abuse, and recommend the implantation of a national database of licence holders to improve the level of information available to local authorities and the police. We are not convinced by the Government's argument that lack of evidence of such abuse is a reason not to create a national database; indeed we believe without one it seems unlikely such evidence could be proffered. We further recommend that, where a personal licence must be transferred due to the death of the licence holder, the allowable period for doing so should be increased from seven to 21 days.

Temporary event notices

We note the use of the Temporary Event Notice (TEN) system by many premises and organisations, especially community groups, who do not hold a premises licence, and the conflicting evidence as to whether the current limit of 12 events per year is too many or too few. We conclude that the time is right for a modest increase in the number of TENs which can be applied for to 15 and a relaxation of the rule on the number which can be applied for by any individual. We recommend that this should be balanced by an enhancement of the ability to object to the granting of a TEN, with both the police and local councillors able to make such an objection within a period of three working days from receipt of the application.

The night-time economy

We welcome the successful development of partnership working between licensing authorities, relevant authorities such as the police and fire service, and licensees themselves in order to solve licensing problems and promote the licensing objectives. However we are concerned that the relaxation of rules on premises' closing hours have not diminished law and order problems, but have merely moved them one or two hours later than previously. We conclude that the density of venues in a particular area should always be a consideration when granting a premises licence and that the Government should support the bar and pub trade in encouraging responsible drinks promotions.

Live music and entertainment

We are concerned at the linkage of live music and public order issues by the Licensing Act and its accompanying guidance, and we emphasise that music should not automatically be treated as a disruptive activity which will inevitably lead to nuisance and disorder. We therefore conclude that the Metropolitan Police's Promotion and Event Assessment Form, Form 696, goes beyond the requirements of both the Act and its Guidance to impose unreasonable conditions on events and that it should be scrapped. To encourage the performance of live music we recommend that the Government should exempt venues with a capacity of 200 persons or fewer from the need to obtain a licence for the performance of live music. We further recommend the reintroduction of the two-in-a-bar exemption, enabling venues of any size to put on a performance of non-amplified music by one or two musicians.

"Portable" entertainment

We conclude that the Licensing Act works well when licensing entertainment provided in a permanent building, but that its success is more limited when either the premises or the entertainment is portable. We note the huge difficulty and expense experienced by circuses in complying with the new regime. We conclude that it is right for circuses to be subject to the Licensing Act but that they should be issued with a portable licence by their home authority. We further recommend that the Government should consult on exempting certain low risk, small-scale travelling entertainments such as Punch and Judy, and activities which add to communities' cultural life, such as travelling plays by mummers.

The adult entertainment industry

We note that there are no specific provisions in the Licensing Act or its guidance to give licensing authorities extra powers to control lap dancing clubs. We understand the frustration of the public that objections to a licence for such establishments cannot be made on the grounds of the type of entertainment which it will provide. For this reason we welcome the Government's proposal, contained within the Policing and Crime Bill, to move licensing of lap dancing to the Local Government (Miscellaneous Provisions) Act. However we recommend that a new category should be created for such clubs and that it should be compulsory for local councils to use this system to licence them.

1 Introduction

1. The Licensing Act 2003 sought to streamline the licensing process, replacing eight separate regimes for different forms of licence, governed by three different licensing authorities, with a single regime under the administration of a single licensing authority (normally the local authority).

2. The Act created a range of authorisations, to be issued by licensing authorities (almost always local authorities) to applicants:

- personal licences, which authorise individuals to sell or supply alcohol;
- premises licences, which authorise the use of premises for licensable activities;
- club premises certificates, which authorise the use of club premises for certain licensable activities; and
- temporary event notices (TENs), which authorise licensable activities at one-off or “occasional” events.

3. Decisions in licensing were to have regard to four licensing objectives, written into the Act:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The Act came into force on 24 November 2005.

4. At Third Reading of the Licensing Bill on 16 June 2003,¹ the Secretary of State claimed “this is a far-reaching Bill that will have a material impact on the central issue of quality of life, and how we as a nation use our leisure time. It will sweep away swathes of red tape and bureaucracy, delivering to the industry savings of nearly £2 billion over 10 years” with “a range of measures to tackle alcohol-related crime and disorder and antisocial behaviour”.²

5. The Government carried out an evaluation of the impact of the Licensing Act which was published on 4 March 2008.³ This review considered levels of crime and disorder and late-night venues’ closing times and reviewed the statutory guidance to licensing authorities. It drew on the views of 10 local authorities on the Act’s implementation, an independent report of the fees structure, and a report from the Live Music Forum on the impact of the

1 HC Deb, 16 June 2003, col 169

2 HC Deb, 16 June 2003, col 169

3 Department for Culture, Media and Sport, *Evaluation of the impact of the Licensing Act 2003*, March 2008

