

DRAFT GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

Report By: Head of Environmental Health and Trading Standards

Wards Affected

County-wide

Purpose

To advise Members of the potential impact of the revisions to the liquor licensing legislation contained in the Licensing Act 2003.

Considerations

1. The draft Guidance compliments the Government's Alcohol Harm Reduction Strategy for England which was published on the 23rd March 2004 and sets out a blueprint for forging new partnerships with the health and police services, the drinks industry, and communities, to combat the range of problems caused by alcohol misuse in England.
2. The Strategy puts joint action at the heart of a series of measures which will:
 - ❑ *tackle alcohol-related disorder in town and city centres;*
 - ❑ *improve treatment and support for people with alcohol problems;*
 - ❑ *clamp down on irresponsible promotions by the industry; and*
 - ❑ *provide better information to consumers about the dangers of alcohol misuse.*
3. The Licensing Act received Royal Assent on 10 July 2003. A brief summary of the contents of the Act are contained in Appendix 1 (attached).
4. The modernisation of the legislation has also been pursued to support a number of other key aims and purposes. These are of vital importance and should be principle aims for all involved in licensing work. They include:
 - ❑ the introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet their customers' expectations;
 - ❑ greater choice for consumers, including tourists, about where, when and how they spend their leisure time;
 - ❑ the encouragement of more family friendly premises where younger children can be free to go with the family;
 - ❑ the further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities;
 - ❑ the regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring; and

- the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting places of entertainment.
 - Through the legislation, the government hope that local people and visitors to this country will have better opportunities to enjoy their leisure time safely while on, or arriving at or leaving a huge range of venues.
5. Whilst the guidance is currently only draft it is likely to become statutory in the very near future and the Council will need to consider how it consults on its Liquor Licensing Policy. As can be seen from above there is a recognition by Central Government that the new Licensing legislation can have an impact on investment and employment opportunities through a safe and thriving night-time economy.
 6. The issues of a night-time economy are probably far more relevant to Hereford City than the market towns. To this end it will be necessary to consider what type of night-time economy is wanted in Hereford and will there be an adequate infrastructure to support such aims and ambitions.

Recommendation

THAT: Members note the content of the Draft Guidance issued under section 182 of the Licensing Act 2003

Appendix 1

- The amalgamation of six existing licensing regimes (alcohol, public entertainment, cinemas, theatres, late night refreshment house and night café).
- A single integrated scheme for licensing premises which sell alcohol, provide entertainment to the public or provide refreshment late at night, sweeping away considerable red tape and cost.
- Premises licence to incorporate licensing operating conditions (e.g. hours, fire exits, capacity) addressing the key areas of crime and disorder, public safety, public nuisance and protection of children from harm. They will be set locally, if necessary, on the basis of the assessment of what is in the overall public interest of the community.
- A new system of personal licences which allow holders to sell or supply alcohol for consumption on or off any premises in respect of which there is a premises licence authorising such sale or supply. (Those providing regulated entertainment or refreshment at night which do not involve alcohol, would require a premises licence only).
- Personal licences to be issued for 10 years to those aged 18 and over following a test of knowledge of licensing law and social responsibilities and subject to police scrutiny if relevant or foreign offences have been committed, with provision for suspension or withdrawal of licences within that period: abolition of vague "fit and proper person" test in respect of licences to sell alcohol. Personal licences are renewable.
- Personal and premises licences to be issued by licensing authorities: generally local authorities.
- Premises licences to be supported by flexible range of remedies following review (including temporary reduction in opening hours) instead of present single all or nothing sanction available to licensing justices of loss of licence if conditions have been breached.
- An avenue of appeal for parties (including the police and local residents following representations) to the magistrates' courts.
- To minimise public disorder resulting from fixed closing times, the opportunity for flexible opening hours, subject to consideration of representations made by local residents and other interested parties and responsible authorities (and therefore existing permitted hours to be abolished).
- Children under 16 to be allowed access to pubs only if accompanied by an adult. Licensing authorities to have the ability, if necessary, to restrict or deny access for children to unsuitable licensed venues following representations.
- The legal age for drinking alcohol on licensed premises and for buying it there, whether as off-sales or on-sales, both to remain at 18. An exception will allow 16 and 17 year olds accompanied by an adult to consume alcohol of less than spirits strength with a table meal on licensed premises.
- New requirements in the wake of the Thames Safety Inquiry for licensing the sale of alcohol, and the provision of entertainment and late night refreshment on boats travelling within England and Wales.
- New arrangements for non-profit making qualifying clubs supplying alcohol to their members, which preserve their special status.

- Incidental live and recorded music to be exempted from licensing for the first time.
- Unamplified live music in small venues to be treated exceptionally to ensure traditional and amateur folk music thrives.
- For the first time, the provision of entertainment in a school and sixth form college by the school or college will be exempted from the licensing fee associated with that provision.
- The current exemption from the payment of fees for entertainment in every village hall, church hall and community building outside Greater London to continue, and extending it throughout the whole of England and Wales.
- For the first time, it will cost nothing extra to get permission to put on live music in pubs – given that pubs have to get a licence anyway for the sale of alcohol, applying for permission at the same time for provision of live music becomes effectively free.
- Power for the Secretary of State to order special licensing hours during a period of up to four days for all premises on special international, national and local occasions, like World Cups, Royal Jubilees and Commonwealth Games.
- Abolition of a range of ancient and special privileges regarding sales of alcohol held by the Crown, certain theatres, the Vintners of the City of London, the Vice Chancellor of the University of Cambridge.
- Repeal of the Welsh Sunday Opening Polls, which can result in the sale of alcohol on Sundays being prohibited in Welsh Districts.