

Report to: Licensing Committee Meeting – 2 March 2023

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Report Summary	
Report Title	Government Response to the Post Legislative Scrutiny of the Licensing Act 2003
Purpose of Report	To allow Members to understand the current Government's approach to the concerns raised by the post legislative review of the Licensing Act 2003
Recommendations	That: a) the report be noted; and b) the proposal to implement any local actions arising from it that will improve the licensing regime for residents and businesses be supported.
Reason for Recommendations	To ensure that the licensing regime in Newark & Sherwood supports the needs of its residents and business.

1.0 Background

- 1.1 In November 2017 the Committee received a report setting out the response from Government of the finding of the House of Lords Select Committee on the Licensing Act 2003. Members will recall that the findings covered a wide range of areas and some recommendations had the potential to be wide-ranging in their impact.
- 1.2 Since that time the House of Lords Liaison Committee has reviewed the current position and examine the progress made on implementing recommendations made by the report of the Select Committee on the Licensing Act 2003. It published its recommendations in July 2022
- 1.3 The government have now responded to these recommendations. The report can be found at <https://www.gov.uk/government/publications/post-legislative-scrutiny-of-the-licensing-act-2003-follow-up-report>
- 1.4 Set out below is a summary of the key finding where they are of particular interest to local licensing policy or procedure.

Issue	Recommendation	Response	Comment
Co-ordination between the licensing and planning systems	Better co-ordination and joint working between planning and licensing	The powers are there to enable planning and licensing to work together to support the needs and aspirations of local communities and we do not intend to introduce an additional mechanism. We will revisit the section 182 guidance with a view to strengthening advice on local coordination and the expectations of the local systems further.	Residents do struggle to understand that planning and licensing are two different regimes and that licensing hearings cannot consider planning matters
Agent of Change	We continue to recommend that the 'agent of change' principle should be adopted in the section 182 guidance. This should be incorporated to reflect the National Planning Policy framework as soon as possible, and at the latest by the end of 2022	The government agrees with the committee's recommendation and the 'agent of change' principle has been included in the section 182 guidance and will be published in an updated version later this year	The Agent of Change principle places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development. In other words, the person or business responsible for the change must also be responsible for managing the impact of the change. ⁷
Training	The committee reiterates the original inquiry's recommendations for the Home Office to work with stakeholders to establish a minimum training standard for councillors, including a refresher training standard. This agreed minimum standard should be set out in the section 182 guidance and councillors who are members of a licensing	The government continues to recognise the importance of effective training for all professionals involved in the licensing regime including councillors, police licensing officers, and responsible authorities amongst others. However, we do not intend to introduce a formal minimum standard for training as the committee's	All new councillors to the Licensing Committee are required to undergo training before sitting on a panel.

	committee should be prohibited from taking part in licensing committee or subcommittee proceedings until this minimum standard has been met	suggests nor put in place prohibitions on participation.	
Access to licensed premises for disabled people	The committee finds the lack of progress in improving access to licensed premises unacceptable. The committee continues to recommend that the law should be amended to require that an application for a premises licence should be accompanied by a disabled access and facilities statement.	The government position remains that the Licensing Act should not be used as a means to control other aspects of licensed premises or ensure compliance with other legislation such as the Equality Act 2010. We do not consider it necessary to take new legislative or regulatory measures in addition to the existing legislation	
Night-Time Economy	The committee reiterates the 2017 conclusion of the positive impact of the industry led initiatives in place to support the night-time economy. The government should provide an update on any replacement to the Local Alcohol Action Areas programme within 2 years.	While the LAAA approach to supporting action in local areas has been successful, we think that it has run its course and have no plans to replace the programme. We continue to take action to improve the safety of women at night, tackle drink spiking in licensed premises and work with partners to reduce incidents of violence in the night-time economy. To support this work further, we are establishing a national working group to bring together policing and licensing partners with a focus on police led interventions to reduce alcohol related offending, sharing good practice, exploring innovative approaches and maximising the use of existing licensing powers.	The Nottinghamshire LAAA was very effective in bring licensing authorities across the county together to develop innovative schemes.

National database for personal licence holders	The committee recommends that the government proceeds with its proposed review of adding records of refused, suspended and revoked personal licences to the National Register of Taxi and Private Hire Vehicles Revocations and Refusals. If this approach is found not to be suitable to tackle the issues previously raised by stakeholders the government should review the report's recommendation to establish a national database of personal licences.	The government recognises the importance of establishing a record of refused, suspended and revoked personal licences. We will continue working with key partners to identify the most effective way of delivering such a database.	This would be welcomed.
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2.0 **Proposal/Options Considered**

2.1 Officers will review the response and ensure where issues can be adopted locally, they will do so.

3.0 **Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

3.1 There are no implications arising from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

House of Lords Liaison Committee, The Licensing Act 2003: post-legislative scrutiny follow up report, 2nd Report of Session 2022-23 - published 11 July 2022 - HL Paper

Government response to the post-legislative scrutiny of the Licensing Act 2003 – follow-up report - Updated 13 January 2023