

CULTURE, MEDIA & SPORT SELECT COMMITTEE INQUIRY

- The Culture, Media and Sport Select Committee today published its report into the Licensing Act 2003. This was prompted by the Government's review of the Act published in March 2008 which revealed a "mixed picture" and proposed a simplification plan. Little progress has been made in delivering this and the Committee's inquiry was designed identify priority areas and independently reassess the effects of the Act.
- The report is slim by Select Committee standards and is less than thorough and comprehensive. Nevertheless, the report is important because the Committee is chaired by a well-respected and influential Tory Backbencher, John Whittingdale. There is a close correlation between the report's recommendations and putative Tory policy.
- The inquiry was wide ranging and covered changes in public nuisance, numbers of night time offences and perceptions of public safety post Act; whether the anticipated reductions in bureaucracy and financial costs had been achieved; and the impact on live music and sporting and social clubs. Although the report cover all these elements, it is clear that the focus of the Committee's attention - and its sympathies – rest with not for profit and sporting clubs and music performers rather than the commercial industry.

Key Recommendations

- Some 26 recommendations for Government action are recommended – of which 6 can be classified as broadly deregulatory, 2 are potentially damaging as they strengthen local authority powers and the remainder relate to non-industry matters.
- **Licensing Process:** recommends forms be made more user friendly and a slip rule introduced to allow applications with minor factual errors to be amended not rejected.
- **Costs:** recommend not for profit club fees be based on rateable value of bar area only and sports club fees to be 20% of their rateable value
- **Community engagement:** recommend that the Government make clear that representations can be in support of an application and received from anyone with an interest in the application, not just local residents.
- **Personal Licence Holders:** although there is no evidence of abuse, the Committee was persuaded by representations from the Magistrates Assoc that it is impossible to match offences to individuals if they move around the country. Recommends a national database of personal licence holders. This is becoming Tory policy and concern.
- **Licence Transfers:** recommends the time period to apply for permanent transfer following death of licensee be extended from 7 to 21 days. Industry lobby.
- **Minor variations:** supports government proposal to require minor variations to be advertised at the premises for 10 days and to allow public objections. Also recommends that the regulations make clear that addition of live music to a licence can be made through this process. Want the procedure to be applied positively to reduce costs

- **Temporary Event Notices:** recommends a relaxation in the rules to allow a venue and an individual to apply for up to 15 TENs a year. However, they also believe that the procedure should be strengthened to allow the police and local councillors to object to a TEN, and the time period for objections extended to 3 days. This would allow for objections on the grounds of nuisance as well as crime.
- **Night time economy:** the committee is sceptical that the Licensing Act has driven cultural change, believing that this has been market and consumer driven. It acknowledges, however, that the industry would not have been in a position to respond to this had the Act not been in place. It recommends that the density of venues in an area should always be a consideration in applications – in effect introducing a de facto cumulative impact assessment in all cases.
- **Conditions:** concern about blanket conditions and duplication with other regulatory regime and recommended that licensing guidance should be revised to make this clear.
- **Drinks promotions:** recommends that government legislate to address the problem of irresponsible promotions in the on and off trade.
- **Live music:** the committee quotes extensively from *ALMR* evidence and the Benchmarking Survey to support its recommendation for a reintroduction of the two in a bar rule and the exemption of small premises with a capacity of fewer than 200 from the need to obtain a licence for music and entertainment. The Committee is also very critical of the Met Police approach to licensing live music events, arguing that its Promotion and Event Assessment Form was unreasonable, goes beyond the Licensing Act requirements and should be scrapped.
- **Adult Entertainment:** the report supports the Government's decision to licence lap dancing clubs separately as sex encounter venues but believes that all local authorities should be obliged to apply a dual licensing regime. It does, however, recommend that all existing premises be granted grandfather rights and that the licence should be at least 5 years in duration.
- The Government now has two months to respond to the report and set out any steps it may take to meet its recommendations.