

## APPENDIX 1

### **Response of the Licensing & Enforcement Committee to the Government call for evidence on Reforming the Licensing System**

[Note: questions 1 – 6 refer to the type and demographic information of the respondent]

**7. Do you agree or disagree with the overarching objective of a consistent, transparent licensing system which empowers local authorities while promoting economic growth, cultural development, public safety and community wellbeing?**

We do not agree with all of the aims stated here.

Economic growth is not and never has been part of the licensing principles.

**8. Do you agree or disagree that promoting economic growth should be a statutory licensing objective alongside the existing public safety objectives? A statutory objective is one that is defined in law and that licensing authorities are required to consider.**

We do not agree that economic growth should be a licensing objective.

Licensing is first and foremost there to keep people safe and well.

Licensing is not compatible with such an objective as decision on whether to grant a license cannot be diluted by considering how much potential growth a new premises will bring. If it's not safe to grant a license, for whatever reason, the promise of growth is irrelevant.

A business will succeed or fail by how well it is run and how it meets market need. We are not arbiters of that judgement - customers are.

**9. Do you think that the licensing regime should treat on-trade and off-trade premises differently in any respects in order to allow the differing challenges and opportunities they pose to be addressed?**

Our authority treats applications from either off or on sales in the same rigorous manner - this works so while we do agree that they should be treated as equal, no major changes are required to achieve this.

**10. What priority themes should be included in a National Licensing Policy Framework?**

Pub safety  
Health

We have had applications in the past where there was a strong call from the public for us to refuse a license on the fact that there was no protection for the environment from. For example, noise and light. However the committee felt that even so, the licensing objectives as they stand should remain the focus of the act.

**11. How could the government assess whether national guidance is working effectively? Please suggest ways we could measure if national guidance is making a positive difference.**

Lower crime  
Lower alcohol related harm

**12. Do you agree or disagree that there should be an amnesty for licensing conditions as described above?**

Don't know.

**13. What would you see as the main benefits of an amnesty? [Tick all that apply]**

No response.

**14. What challenges do you associate with an amnesty? [Tick all that apply]**

License holders will be loathe to take part in any legacy condition amnesty if, as is currently the case, it costs £89 to do so. Equally, licensing authorities will need extra financial help to cover costs if they're expected to do it for less of a fee.

**15. It will be important to understand what counts as a minor variation when deciding what types of licence condition changes an amnesty could address. Can you provide your views? What do you think would be characteristic of a minor variation? You may give examples.**

Slight plan alterations and removal of outdated conditions granted a grandfather rights in 2003.

**16. Do you foresee any risks or benefits from removing the requirement to advertise alcohol licence notices in print local newspapers?**

Removal of the requirement to advertise in local newspapers carries several risks, some of which we are responsible for, some of which we are not. On the forest of those, this will adversely affect the financial viability of the local printed press, as it is a major revenue stream. Local democratic reporting is important in that sense that not all residents are able or willing to use electronic means of communication. To remove adverts from papers would contribute to the downfall of an important source of information for those people - though the committee stressed that this cannot be our overriding concern.

The licence duty seeks to maintain efficient communication which reaches as many people as possible, and in that sense newspaper adverts reach those not reached online. It has also been suggested though that maybe having to have 10 days in print is a barrier to applicants, given if they miss a print deadline, they may have to restart the process, causing delay and cost.

**17. What evidence do you have on the costs to business of publishing alcohol licence notices in local printed newspapers in your local area?**

We believe that the cost to an applicant may be up to £350, significantly more than the application fee.

**18. Do you consider the costs associated with publishing statutory notices in local media are sufficiently transparent?**

No

It is not our job to publish newspaper advert fees, however.

**19. In place of publication in print local newspapers, what alternative methods of publicising this information do you consider would be most effective in ensuring effective scrutiny, transparency and public awareness of licencing activities?**

All

To keep applications in print, could councils do as they have to with planning, where all apps are listed in a council orchestrated advert?

[Note: questions 20 – 28 refer to businesses which operate with pavement licences]

**29. Do you agree or disagree with increasing the annual maximum number of TENs to 20 events over 26 days (the same limit that applied during Covid)?**

Don't know.

**30. What benefits or risks, if any, do you foresee if the maximum number of TENs is increased? (Please provide examples or evidence where possible.)**

Residents are unable to object to TENS, and as such, 20 a year may present issues of public nuisance to which they have no direct recourse, other than through retrospective complaints to Environmental Health.

**31. Do you agree or disagree with retaining the 24 hour gap between temporary events at licensed premises?**

Don't know.

**32. What, if any, additional safeguards or changes would be needed if the TENs entitlement were increased?**

Clear information needs to be provided to residents about those means of recourse they do have - even though these are retrospective to the event, such as to the licensing department or to Environmental Health.

**33. Do you agree or disagree that conditions placed on premises licences should automatically transfer to TENs granted to those premises? Conditions placed on premises licences currently do not automatically apply to TENs. This question asks whether you think they should in future.**

Yes

[Note: question 34 – 36 refer to businesses and their view of the possible introduction of blanket policies/core licensing hours]

**37. The Proximity Test. Paragraph 8.13 of the section 182 guidance states that any individual or business entitled to make representations may do so “regardless of their geographic proximity to the premises”. Should there be a requirement for individuals and businesses who make representations in favour or against a licence application to be in geographic proximity to the premises?**

No

**38. Objections. Paragraphs 9.4 to 9.10 of the s.182 guidance seek to prevent irrelevant, vexatious or frivolous representations. Does this mechanism successfully eliminate such representations?**

Yes.

All objections are subject to scrutiny against the licensing objectives which removes such objections as a matter of established process.

**39. Improve Evidential Standards. Should there be a requirement that representations opposing a licence present the case and evidence for harms to one or more of the licensing objectives? In other words, only representations stating that there is an objection concerning the licensing objectives would count.**

Yes

**40. Necessary and Proportionate Test. Should there be a test applied to examine whether licensing conditions are necessary and proportionate?**

Yes

**41. Do you agree or disagree that the decisions of a licensing officer should carry greater weight with the licensing committee? This question asks whether a licensing officer should have the status of an 'independent arbiter' whose decisions carry greater weight than those of other parties.**

Don't know

**42. How should informal mediation and resolution be encouraged at the start of the process of making representations?**

We already have officers who encourage and facilitate mediation, and these services are documented on our web pages.

**43. Do you support enabling longer-term or perpetual licences for recurring festivals and events?**

Yes

**44. Would evidence of a safe and successful event held in previous years be sufficient evidence in most cases for granting licence extensions for repeat events?**

Yes

**45. What else could be done to help promote long term investment in, and planning of, events?**

More arts and culture funding.

**46. Should the licensing regime give greater weight to the Agent of Change principle?**

Yes.

**47. Can you provide examples of where existing businesses have faced complaints or licensing restrictions due to new residential development nearby?**

Local residents complaining about events at Westpoint, a large venue holding music events - noise management plans were amended.

**48. What practical steps or tools would help licensing authorities apply the Agent of Change principle effectively (e.g. guidance, training, data sharing)?**

Greater statutory links between planning and building regulations designed to ensure that new builds, for example, take into account the licences in place already, such as soundproofing needing to be part of any successful planning application.

[Note: questions 49 – 53 consider the possible introduction of designated zones for hospitality, leisure and culture]

**54. Which, if any, of the Licensing Taskforce recommendations do you expect to place the most significant burden on licensing authorities' capacity and ability to fulfil their usual function?**

National Licensing Policy Framework  
Licensing Condition Amnesty  
Increase TENs Entitlement

**55. In your view what impact will the proposals for reform included in this Call for Evidence have on public safety or crime?**

Negative

**56. Which, if any, of the reforms described in this Call for Evidence, in your view, pose public safety or crime concerns?**

NLPF

**57. In your view what impact will the proposals for reform included in this Call for Evidence have on public health?**

Negative

**58. Which, if any, of the reforms described in this Call for Evidence, in your view, pose public health concerns.**

NLPF

**59. In reforming the licensing system to promote economic benefits, what measures can be taken to promote public health?**

By using the licensing framework to encourage economic growth, you dilute the effect of the existing, public safety focussed objectives. The key question any decision needs to consider is 'What price public safety?'

**60. Does this call for evidence raise any equalities concerns such as disproportionate impacts on particular demographic groups?**

No

[End]