

# THE LICENSING BILL

## Key Points

- A balanced package of freedoms and safeguards – clamping down on the crime, disorder and anti-social behaviour perpetrated by a minority whilst giving the responsible majority more freedom and choice about how they spend their leisure time.
- Giving the public a greater say in the licensing process than ever before.
- Responsible deregulation, cutting down on red tape, leading to savings for industry.
- A more civilised and responsible approach to alcohol consumption.

## The content of the Bill

Broadly, the Licensing Bill includes the following main elements:

- A single integrated scheme for licensing premises which sell alcohol, provide public entertainment or provide refreshment late at night, thereby sweeping away considerable red tape at a stroke
- Six existing licensing regimes (alcohol, public entertainment, cinemas, theatres, late night refreshment house and night café) are therefore brought together
- A new system of personal licences which allow holders to sell or serve alcohol for consumption on or off any premises possessing a premises licence. (Places providing public entertainment or refreshment at night which does not involve alcohol, would require a premises licence only)

- 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<sup>1</sup>
- Personal licences to be issued for ten years to those aged 18 over without a relevant criminal record following a test of knowledge of licensing law and social responsibilities, with provision for endorsement or withdrawal of licences within that period: abolition of vague “fit and proper person” test in respect of licences to sell alcohol
- Premises licence to incorporate operating conditions (e.g. hours, noise, fire exits, capacity) limited to crime and disorder/public safety/nuisance factors, and set locally on basis of the balance of operator’s requirements/resident views/police and fire authority assessments
- To minimise public disorder resulting from fixed closing times, flexible opening hours, with the potential for up to 24 hour opening 7 days a week, subject to consideration of the impact on local residents (and therefore existing permitting hours to be abolished)
- Children to be allowed access to any part of licensed premises at the personal licence holder’s discretion; but licensing authorities to have the discretion to restrict (e.g. by requiring adult supervision) or deny access for children to unsuitable licensed venues
- Personal and premises licences to be issued by local authorities
- An avenue of appeal for parties (including the police and local residents) to the magistrates’ courts
- Licences to be supported by flexible range of sanctions (including temporary reduction in opening hours) instead of present single all or nothing sanction of loss of licence

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<sup>1</sup> An exception will allow 16 and 17 year olds supervised 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 on boats travelling within England and Wales
- New arrangements for non-profit making registered clubs supplying alcohol to their members which preserve their special status
- Power for the Secretary of State to declare special hours up to 24 for all premises on national occasions
- 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

### **Benefits that the Licensing Bill will bring**

Tough measures to tackle alcohol-related crime, disorder and anti-social behaviour, including:

- Establishment of clear priorities for licensing regulation on crime, disorder, public nuisance, safety and protection of children from harm
- Police powers to close any licensed premises without notice for up to 24 hours where disorder or noise nuisance is occurring, in order to protect the public and prevent further disorder
- Powers for the courts to order the closure of all licensed premises in a geographical area for up to 24 hours where disorder is likely to be fuelled by alcohol
- Extended police powers to confiscate alcohol

- Stronger protection for residents – they will have a statutory right to make representations to the licensing authority about applications for new licences, and to call for a review of existing ones
- Licences to be supported by flexible range of sanctions instead of present single all or nothing sanction of loss of licence – makes it easier for magistrates to take appropriate action (at the moment they can only either revoke the licence – which they are often reluctant to do - or do nothing at all)
- New system to cover all licensed premises, including take away restaurants – which are very often the focus of disorder
- Powers to prevent the sale of alcohol on specified train services where there is, or is expected to be, disorder

The reforms will simplify the law on children and alcohol. It will be an offence to sell alcohol to a person under 18 anywhere. The legal age for drinking alcohol on licensed premises and for buying it there will remain at 18.

A single integrated scheme for licensing premises which sell alcohol, provide public entertainment or provide refreshment late at night, sweeping away considerable red tape at a stroke, and potentially leading to savings for industry estimated at £1.97 billion over ten years.

Flexible opening hours - the potential for up to 24 hour opening seven days a week – this will help minimise public disorder resulting from artificially fixed closing times, encouraging a more civilised culture in pubs, bars and restaurants. The Secretary of State will be able to declare special hours for all premises on special national and local occasions.

Licences will be granted by democratically accountable local authorities and the views of local residents can be taken into account in deciding applications.