

## LETTER TO ALL CONSTITUENCY MPS ON INTRODUCTION OF THE LICENSING BILL

### ***THE LICENSING BILL***

As part of our strategy to reduce anti-social behaviour, we are today introducing a Bill to reform and modernise the archaic and unwieldy licensing regimes in England Wales. The Bill will not just affect the licensing of sales of alcohol, but also the provision of public entertainment, including music, dancing, theatres and cinemas, and late night (non-alcoholic) refreshment provided by cafes and take away establishments operating after 11.00pm. The Bill therefore affects the lives of virtually all constituents and I want to take this opportunity to tell you more about what I believe the Bill can achieve.

### **Purpose and effect**

If approved by Parliament, I expect the Bill to deliver:

- reductions in disorder, anti-social behaviour, and public nuisance particularly at the current fixed closing times which cause peak disturbance and disorder and prevent the easy dispersal of large numbers;
- the ability to deal swiftly and effectively with venues causing real problems in our communities, while leaving the majority of businesses serving consumers and communities proper freedom to provide hospitality and leisure for all;
- reductions in underage purchase and consumption of alcohol, and the long term damage that does to children in terms of educational attainment, poor health, job prospects, and the propensity to commit crime;
- a proper balance between the rights and responsibilities of individuals, business and the community; and
- benefits for the tourist economy by creating safer and more attractive town and city centres and improving our competitiveness with other European cities.

### **What is wrong with the existing arrangements?**

In England and Wales, premises seeking the grant or renewal or variation of existing licences to sell alcohol or extensions of opening hours are engaged in complex bureaucratic procedures which generate unnecessary costs and court hearings, and considerable duplication with planning, noise control and health and safety requirements of the law. The purposes of the existing law are unclear, and it is impossible to establish the benefits to a modern society or to judge the performance of the arrangements against any aims. In particular, certain aspects of the law in

respect of fixed and artificially early closing times are generally agreed to contribute to public order and policing problems. Local licensing justices who are the licensing authorities for alcohol sales are not democratically accountable to the local residents whose lives are directly affected by the decisions they take. The licensing justices have done their best and deserve our thanks for making the most of a difficult and rigid system, but primary legislation is needed to move the arrangements for protecting our communities into the 21<sup>st</sup> Century.

The law concerning the sale and consumption of alcohol by children is deeply confusing to parents and visitors to this country, and is largely discredited. In particular, the law governing the consumption of alcohol by minors relates only to the area in licensed premises described as the bar area, leaving children in other parts at liberty to consume alcohol there.

Many premises serving alcohol also require permanent public entertainment licences that operate in parallel and for which local authorities are responsible, but create duplication, unnecessary costs and bureaucracy. Existing public entertainment licensing law lays down no procedures for the processing of applications and local authorities have been left to create their own. This has produced inconsistency between one local authority area and another and uncertainty for operators. The existing law prevents any integration of the two systems. Cinemas and theatres are also licensed separately even though the essential considerations are similar and relate primarily to fire and other safety issues. Other inconsistent licensing regimes apply to night cafes and take away outlets open at late hours in different parts of the country even though the relevant concerns about disturbance to local residents and public order apply equally across England and Wales.

Venues providing hospitality and leisure are diversifying and providing services to the public that cross the boundaries of the various licensing systems within a single leisure centre or facility. The existing laws are too inflexible to meet these modern developments, and the effect is to generate significant costs to industry without delivering any worthwhile benefits or protections to the public in terms of safety and the reduction of anti-social behaviour.

### **Reform and modernisation**

The first phase of our reform and modernisation was introduced by means of the Criminal Justice and Police Act 2001 and is already in place. The key changes were:

- the introduction of new police powers to close down disorderly and excessively noisy pubs and nightclubs instantly for up to 24 hours;
- test purchasing of alcohol being placed on a statutory footing to increase the risk of detection for those selling alcohol to minors;
- changes in the defences which may be mounted against charges of selling alcohol to minors, which made it easier to secure convictions; and

- changes to the offences in respect of permitting drunkenness on licensed premises so that managers of premises as well as licensees were responsible.

The Licensing Bill will allow the implementation of the second phase of our reforms. Together with phase one and the repeal of the existing legislation, the main elements of the Bill will deliver the following:

- new court powers on the application of the police to close down all licensed premises in a specified geographical area for up to 24 hours where disorder is threatened or occurring. This new power will enable the police to close down, for example, all licensed premises in the area surrounding a football ground before a potentially volatile football match;
- an extension of existing police powers to instantly close down individual pubs, bars and nightclubs that are disorderly or excessively noisy for up to 24 hours. The Bill will extend existing police authority so as to include all licensed venues regardless of whether alcohol is sold, as well as temporary events causing similar problems. This extension in power will encompass premises such as "off licences" or late night refreshment venues which were not previously covered;
- a single integrated scheme for licensing premises which sell alcohol, provide entertainment (including theatres and cinemas) or provide refreshment late at night sweeping away duplication and considerable amounts of red tape at a stroke and producing estimated savings for industry of up to £1.97 billion over an initial period of ten years;
- the new premises licences to set operating conditions firmly focused on the prevention of crime and disorder, the protection of children from harm, the assurance of public safety, and the prevention of public nuisance on the basis of the balance of operator's requirements, residents' views and police, local authority and fire authority assessments;
- a new system of personal licences which allows individual holders to sell alcohol for consumption on or away from any premises covered by a "premises licence" in the same way that a driving licence permits the driving of any car;
- personal licences to be issued for ten years to those aged 18 years or over without a relevant criminal record following a test of knowledge of licensing law and social responsibility, and the repeal of the vague "fit and proper" test which harks back to the 19<sup>th</sup> Century;

- the sale of alcohol to minors made unlawful anywhere and not just in licensed premises<sup>1</sup>: an important change because there are far too many exceptions and exemptions under the existing law;
- national "permitted hours" relating to alcohol sales to be abolished, with the potential for up to 24 hours opening 7 days a week, subject to consideration of the impact on local residents and provided that steps are in place to prevent anti-social behaviour and nuisance;
- licences to be supported by a more flexible range of graduated sanctions allowing prompt and firm action to be taken against premises causing problems in the community;
- a presumption that children be allowed access to any part of licensed premises, but licensing authorities to have discretion to restrict (for example, by requiring adult supervision) or to deny access for children to unsuitable licensed premises;
- a new "light touch" system of temporary permissions (up to 72 hours) for small scale events involving simple notification to the police and licensing authorities, and substantial savings for 22,000 charities, schools and community groups currently obtaining 40,000 such permissions each year ;
- personal and premises licences to be issued by local authorities making the regime democratically accountable to local people;
- new requirements for licensing the sale of alcohol, provision of entertainment or late night refreshment on boats travelling within the United Kingdom to ensure the safety and well-being of passengers;
- the abolition of the two musician rule which exempts certain performances from licensing because modern amplification can cause serious disturbance whether one or five musicians are playing; but the introduction of new arrangements which will promote live music and encourage performers;
- new arrangements for non-profit making "registered" clubs supplying alcohol to their members which preserve their special status and important traditions; and
- the abolition of the Welsh Sunday Opening Polls which are held every seven years and inhibit investment and reduce employment opportunities in certain Welsh districts;

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<sup>1</sup> An exception would allow 16 and 17 year olds supervised by an adult to consume beer, wine (which includes made wine), and cider with a table meal on licensed premises.

I hope that many of you will feel able to support the Bill because local people and visitors to this country alike should have the opportunity to enjoy themselves at musical performances or with a drink or a meal safely at any time without fear of violence, intimidation or disorder. Public order issues and anti-social behaviour have always arisen whenever large groups of people gather together, particularly at night, to enjoy popular pastimes, including the consumption of alcohol. The Bill aims to allow people to enjoy their leisure as they wish, provided that this does not disturb others. The Bill will also make sure that the laws provide effective protection for children. It proposes a radically new system which carefully balances rights and responsibilities. We intend to do this by matching greater freedom and flexibility within sensible boundaries with tough and uncompromising powers for the police, courts and licensing authorities to deal with any individuals or businesses failing to be socially responsible and abusing these freedoms.

The Bill will also have major economic impacts. It will affect up to 200,000 individual businesses in the retail, leisure and hospitality sector, which is worth at least £64 billion to the UK economy and provides one in ten jobs. It is vital for local investment as well as national growth.

When you have had an opportunity to examine the full details I hope that you will feel able to support the Bill.

**TESSA JOWELL**

