

Police Reform and Social Responsibility Bill - March 2011

Licence applicants to give greater consideration to the local area when making their application

What is the policy aim?

As part of its commitment to rebalance the Licensing Act 2003 in favour of local communities, the Government is keen that licence applicants give greater consideration to the local area when making their application.

Currently, as part of the licence application process, applicants are required to set out in the operating schedule accompanying their application the steps they intend to take to promote the licensing objectives. Some licensing authorities have reported that this section of the application is often poorly completed, providing licensing authorities with very little information on which to make their determination. Applicants also do not have to consider issues specific to the local area which they may need to address, and the onus is on the licensing authority to assess the potential impact of granting the licence on the local area.

The aim of this proposal is to shift the onus onto the applicant to give greater consideration to the local area when setting out the steps they will take to promote the licensing objectives and to provide responsible authorities and the licensing authority with better information on which to make informed representations or determinations.

How will this change be made?

The guidance for applicants and statutory guidance for licensing authorities will be amended to require licence applicants, when outlining the steps they will take to promote the licensing objectives, to provide further contextual information to support the steps they intend to take and demonstrate an awareness of the local community in which the premises would be based. This may include contextual information on issues such as the local area's social-demographic characteristics, specific local crime and disorder issues and an awareness of the local environment, although we do not intend to be prescriptive about the specific information applicants should provide. We will work with the licensed trade to work out the best way to introduce this new requirement.

What are the benefits to the local area of introducing this proposal?

This proposal will ensure that greater consideration is given to local issues when determining licence applications. The additional contextual information will be of significant value to licensing authorities, responsible authorities and other parties who are able to make representations with regard to licence

applications when making representations determining steps that may be required to ensure the promotion of the licensing objectives in the local area.

How will licence applicants be required to demonstrate that they are considering the interests of the local community when setting out the steps they will take to promote the licensing objectives?

Applicants will be required to provide contextual information as part of the licence application form on issues such as the local area's social-demographic characteristics, specific local crime and disorder issues and an awareness of the local environment which will be of benefit to the licensing authority when determining the application. Specific local issues, such as crime and disorder issues, are likely to influence the steps that applicants will need to take to promote the licensing objectives in their own premises and applicants will therefore be required to demonstrate an awareness of such issues when setting out why particular steps will be taken to promote the licensing objectives.

What information are licence applicants currently required to provide on the steps they will take to promote the licensing objectives?

When preparing an operating schedule applicants are required to set out the steps necessary, if any, for the promotion of the licensing objectives. In doing so, applicants are expected to have regard to the statement of licensing policy for their area and to be aware of the expectations of the licensing authority and responsible authorities in terms of the steps that are necessary to promote the licensing objectives.

Will this create an additional burden on the licensing authorities?

We do not expect this proposal to create an additional burden on licensing authorities. Some licensing authorities have reported that applications often contain insufficient information on steps that will be taken to promote the licensing objectives, which can make it difficult to determine what action it is necessary to take. This additional contextual information will be therefore be of significant value to licensing authorities when considering applications and should make it easier for them to make an informed determination.

What were the main views of consultation respondents?

When asked for suggestions about how the licence application process could be amended to require licence applicants to give greater consideration to the local area when making their application, respondents expressed strong support for licence applicants being required to give greater consideration to the local area and how any potential harm would be minimised.