



# **Memorandum to the House of Lords Select Committee**

## **Post-Legislative Scrutiny of the Licensing Act 2003**

Presented to Parliament  
by the Secretary of State for the Home Department  
by Command of Her Majesty

June 2016

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# MEMORANDUM TO THE HOUSE OF LORDS SELECT COMMITTEE ON THE POST-LEGISLATIVE SCRUTINY OF THE LICENSING ACT 2003

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## 1. Introduction and Overall Approach

1. The House of Lords Liaison Committee recommended to the House to carry out post-legislative scrutiny of the Licensing Act 2003. This memorandum therefore provides an assessment of the Licensing Act 2003 (LA2003) and has been prepared by the Home Office with contribution from the Department for Culture, Media and Sport (DCMS). It is published as part of the process set out in the Cabinet Office document, 'Guide to Making Legislation', July 2015.
2. This memorandum is intended to provide Parliament with: an update on developments since the LA2003 was introduced in 2005; and the most recent assessment of how the LA2003 has operated since commencement, relative to objectives and benchmarks.
3. The LA2003 obtained Royal Assent on 10 July 2003 and the majority of its provisions came into force by November 2005. Some measures came into force at later dates. Other changes and new measures were also brought in by amendment via other Acts such as the Police Reform and Social Responsibility Act 2011 and the Deregulation Act 2015. The more recent the amendment to the LA2003 the less detailed the assessment of its impact will be in this memorandum. Particularly for the amendments made via the Deregulation Act 2015, it is too soon to judge the impact.
4. There are also some provisions, including locally set licence fees and the Community and Ancillary Sales Notice which remain uncommenced. This memorandum will identify and explain the status of all major uncommenced provisions.
5. The legislation applies across England and Wales. Alcohol licensing in Scotland and Northern Ireland is a devolved matter.

### Overall Approach

6. This memorandum sets out:
  1. The **introduction** to the memorandum to explain its purpose;
  2. The **key objectives** of the LA2003 including a summary of what it aimed to achieve;
  3. An account on the **implementation of the LA2003**; specifically when and how different provisions of the LA2003 have or have not been implemented;
  4. Itemised **secondary legislation** to demonstrate the implementation history of the LA2003;
  5. A detailed description of any **relevant legal issues** which have arisen, including challenges to the LA2003;
  6. A summary of **previous and related assessments and reviews** of the LA2003; and

7. An **assessment of the LA2003** to demonstrate how it has operated in practice. The assessment draws together a combination of crime and licensing data together with an account of how the LA2003 has been applied and developed since its commencement.

## 2. Key Objectives

7. In April 2000 the then Government published a White Paper on reforming alcohol and entertainment licensing (Time for Reform: Proposals for the Modernisation of Our Licensing Laws; CM 4696). The White Paper set out proposals for modernising and integrating the alcohol, public entertainment, theatre, cinema, night cafes, and late night refreshment licensing schemes in England and Wales.
8. The White Paper outlined the key aims of the proposals:
  - to reduce crime and disorder;
  - to encourage tourism;
  - to reduce alcohol misuse; and
  - to encourage self-sufficient rural communities.
9. The White Paper also set out proposals for reducing the burden of unnecessary regulation. Its proposals were intended to ensure that the provision of additional opportunities for licensable activities were matched by additional measures enabling the police and Licensing Authorities to act promptly to maintain public order and safety.
10. The White Paper outlined aims to unify and consolidate the existing range of licensing legislation. The end result – the LA2003 – was brought into force from November 2005. It took a period of time after Royal Assent to work through the detail to implement the LA2003. This included: deciding all fees; statutory guidance; and designing forms, such as for personal licence applications.
11. The LA2003 applies in England and Wales only. It provides for the regulation of four ‘licensable activities’, namely, the:
  - sale by retail of alcohol;
  - supply of alcohol by or on behalf of a club;
  - provision of regulated entertainment; and
  - provision of late night refreshment - i.e. hot food and drink between 11pm and 5am.
12. The LA2003 repealed and replaced licensing provisions in ten statutes, bringing them together into one.<sup>1</sup> This saw the regulation of the sale of alcohol transfer from licensing justices and magistrates’ courts to Licensing Authorities. The Licensing Authorities are defined in section 3 of the LA2003. Their role is to administer and regulate the licensing regime in their respective areas and must

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<sup>1</sup> London Government Act 1963, Schedule 12; Licensing Act 1964; Greater London Council (General Powers) Act 1966, Part IV; Private Places of Entertainment (Licensing) Act 1967; Theatres Act 1968; Late Night Refreshment Houses Act 1969; Local Government (Miscellaneous Provisions) Act 1982, Schedule 1; Licensing (Occasional Permissions) Act 1983; Cinemas Act 1985; and London Local Authorities Act 1990

exercise their functions with a view to promoting four statutory 'licensing objectives'. Those objectives are prescribed in the LA2003, and are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

13. The Home Office assumed overall responsibility for the legislation from DCMS in 2010. DCMS continues to lead on entertainment licensing (Schedule 1 to the LA2003 and to which there has been considerable deregulatory reform since 2010).

14. The system of licensing is achieved through the provision of authorisations through personal licences, premises licences, club premises certificates and Temporary Event Notices (TENs). Further detail of each of these is set out here.

15. A **premises licence** authorises the holder of the licence to use the premises to which the licence relates ("the licensed premises") for licensable activities. The premises licence details operating conditions. The purpose of these conditions is to regulate the use of the premises for licensable activities in line with the licensing objectives. A premises licence has effect until the licence is revoked or surrendered, but otherwise is not time limited unless the applicant requests a licence for a limited period. Representations (concerning the promotion of the licensing objectives) may be made about an application for the grant of a premises licence by responsible authorities. These are:

- the relevant Licensing Authority and any other Licensing Authority in whose area part of the premises is situated;
- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority's Director of Public Health (DPH) in England and Local Health Boards (in Wales); and
- the local weights and measures authority (trading standards).

16. The representations must concern the promotion of the licensing objectives. Any other interested person, including residents and businesses may also make a representation. Once the licence has been granted the same stakeholders may seek a review of the premises licence and the conditions attached to it.

17. **Club premises certificates** provide authorisation for qualifying clubs to use club premises for qualifying club activities. These are: the supply of alcohol by or on behalf of a club to a member of the club; the sale by retail of alcohol by or on behalf of a club to a guest of a member for consumption on the premises; and the provision of regulated entertainment (as set out in Schedule 1) by or on behalf of

a club for its members and guests. As with premises licences, the right to make representations on the application for a club premises certificate is given to a range of stakeholders. However, unlike for a premises licence, there is no requirement for a designated premises supervisor in relation to a club premises certificate. The designated premises supervisor will normally be the person with day-to-day responsibility for running the premises.

18. **Personal licences** authorise a person to sell or supply alcohol, or authorise the sale or supply of alcohol, to be drunk on or off premises for which a premises licence is in force for the carrying on of that activity. To successfully apply for a personal licence, the applicant must be: aged 18 or over; possess a licensing qualification accredited by the Secretary of State; must not have forfeited a personal licence within five years of his or her application; paid the appropriate fee to the Licensing Authority; and in a case in which the applicant has an unspent conviction for a relevant offence or a foreign offence, the police have not objected to the grant of the application on crime prevention grounds or the Licensing Authority has considered their objection but determined that the grant of the application will not undermine the crime prevention objective.
19. The LA2003 does not prescribe the days or the opening hours when alcohol may be sold by retail for consumption on or off premises. Nor does it specify when other licensable activities may be carried on. Instead, the applicant for a premises licence or a club premises certificate is able to choose the days and the hours during which they wish to be authorised to carry on licensable activities at the premises for which a licence is sought. The licence will be granted on those terms unless, following any representations made to the Licensing Authority, the authority considers it necessary to reject the application or vary those terms for the purpose of promoting the licensing objectives.
20. Personal licences, premises licences and club premises certificates are granted by Licensing Authorities under the LA2003. The Licensing Authority will generally be the local authority for the area in which the premises are situated or, in the case of personal licences, in which the applicant is normally resident.
21. The LA2003 provides procedures for regulating the discharge by the Licensing Authority of its functions. Authorities are required to publish a policy framework document every five years (known as a “statement of licensing policy”). In producing the document a Licensing Authority is required to take account of the views of those representing the holders of licences and certificates, local residents and businesses, the police, and the fire authority. Licensing Authorities are also required to take into account guidance issued by the Secretary of State.
22. In addition, the LA2003 established new arrangements for the carrying on of licensable activities at occasional, temporary events via the system of Temporary Event Notices (TENs). These arrangements replaced the system of “occasional permissions” and “occasional licences” under the Licensing Act 1964. A person wishing to hold an event gives notice to the Licensing Authority via a TEN, and the event is allowed to go ahead unless the police or environmental health authority object. TENs may be used for events with fewer than 500 people attending. There are restrictions on the duration and frequency of events:

- the number of times a TEN may be given for any particular premises is 15 times in a calendar year (the Deregulation Act 2015 increased this number from 12 to 15 with effect from 1 January 2016);
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- the maximum number of people attending at any one time is 499; and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

23. To reflect the temporary nature of the events, these arrangements do not place organisers under the same obligations as apply in relation to those who regularly wish to undertake licensable activities on or from premises.

24. The LA2003 provides for the setting of fees in relation to applications, notifications, licences and certificates. The fees are set centrally (originally by DCMS, and now by the Home Office) on the basis of full cost recovery. An amendment in the Police Reform and Social Responsibility Act 2011 provides a power for the Secretary of State to allow Licensing Authorities to set licensing fees locally. To date this power has not commenced, further details are given in section 3 of this memorandum. The LA2003 requires each Licensing Authority to establish a register relating to the granting of licences and certificates and the giving of TENs and associated matters. The LA2003 includes a power for the Secretary of State to provide for the establishment of a central database to maintain matters a Licensing Authority is obliged to register. Licensing Authorities have the flexibility to record this information in a manner that suits their local processes as the power has not commenced.

25. The LA2003 provides Licensing Authorities with the power, on review of a premises licence, to suspend or revoke the licence, to exclude specific licensable activities from the licence, or to modify operating conditions attached to the licence. These powers must be exercised with a view to promoting the licensing objectives. These same powers attach to club premises certificates.

26. The licensing regime is supported by a range of offences (e.g., sale of alcohol to under 18s), inspection powers (e.g., right of entry to investigate offences) and enforcement provisions (e.g., suspension of premises licence for failure to pay the annual licensing fee).

27. The LA2003 comprises nine parts and eight schedules. Listed here is a short description of each. Detail on how each of these has operated in practice appears later in section 7 of this memorandum.

28. *The Parts:*

### **Part 1 – Licensable activities**

29. In summary, section 1 sets out the four licensable activities and section 2 sets out three types of authorisation for those activities (a premises licence, a club premises certificate and a Temporary Event Notice).

## **Part 2 – Licensing Authorities**

30. Licensing Authorities - which are essentially unitary or district councils (see section 3) administer and regulate the licensing regime in their respective areas and must exercise their functions with a view to promoting the statutory licensing objectives.

## **Part 3 – Premises licences**

31. Part 3 provides the framework under which premises licences are granted and then operated. The premises licence framework, including the application process, has been subject to modernisation to ensure a fair balance of interests, and deregulation to reduce overheads.

32. Prior to the LA2003 there were a range of available licences catering for various needs, including: separate licences for the sale of alcohol for consumption on and off the premises; and specific licences for restaurants and guest houses and seamen's canteens. Licences were also subject to various fixed durations depending on when they were first issued and could be subject to varying restrictions on the types of alcohol that could be sold.

## **Part 4 – Clubs**

33. Licensing Authorities are responsible for issuing club premises certificates. The LA2003 sets out the process for the licensing of clubs, from application for a club premises certificate, to the variation of conditions and reviews.

34. Early sections are concerned with defining how premises may be considered to qualify as a club for the purposes of this part of the LA2003. Section 62 sets out five general conditions which a club must satisfy. These are:

- persons may not be admitted to membership or to membership privileges within two days of nomination or application;
- persons becoming members without prior nomination or application may not be admitted to the membership privileges without an interval of at least two days;
- that the club is established and conducted in good faith as a club;
- that the club has at least 25 members; and
- alcohol is only supplied to members on the premises by or on behalf of the club.

## **Part 5 – Permitted temporary activities**

35. This part of the LA2003 covers arrangements for temporary events involving licensable activities which are not authorised by either a premises licence or club premises certificate. The system of permitted temporary activities is intended to be a light touch process whereby the licensable activities do not have to be authorised by the Licensing Authority through an application. Rather, the person wishing to hold an event at which licensable activities are proposed (the premises user) gives notice to the Licensing Authority of the planned event using a Temporary Event Notice.

## **Part 6 – Personal licences**

36. The personal licence replaced the Licensing Act 1964 system under which it was a requirement to have a person who wished to hold a premises licence to be

declared a 'fit and proper' person by a magistrates' court. Personal licences were introduced to simplify, professionalise and make clear the individual accountability for the responsible management of licensed premises.

37. Personal licences were introduced by the LA2003. Under a premises licence (as required in section 19 of the LA2003), there must be at least one personal licence holder to authorise every sale of alcohol. Personal licences are granted by a Licensing Authority to a person to enable him or her to supply or authorise the supply of alcohol under a premises licence.
38. Where a premises licence authorises the sale of alcohol, it must specify the designated premises supervisor for that premises and that person must hold a personal licence.

### **Part 7 – Offences**

39. Offences as set out in the LA2003 are separated into four main areas: unauthorised licensable activities; drunkenness and disorder; smuggled goods; and children and alcohol.
40. There are a number of criminal offences under Part 7 of the LA2003, e.g. selling alcohol to a child under 18; persistently selling alcohol to a child (twice in 3 months); buying alcohol on behalf of a child; consumption of alcohol by a child in licensed premises; keeping smuggled goods; and knowingly selling to or obtaining alcohol for a person who is already drunk. There are other alcohol-specific criminal offences in public order law (drunk and disorderly in a public place etc).

### **Part 8 – Closure of premises**

41. Part 8 of the LA2003 contains provisions empowering the courts and the police to make temporary closure orders in respect of certain premises. This Part of the LA2003 has undergone amendment to ensure that it continues to provide an effective deterrent and enforcement tool, supported by a commensurate framework of sanctions.

### **Part 9 – Miscellaneous and supplementary**

42. This part of the LA2003 covers a number of miscellaneous issues, including:
- a. **s.172 licensing hours order.** Section 172 allows the Secretary of State to make a licensing hours order to allow licensed premises to open for specified, extended hours on occasions of exceptional international, national or local significance.
  - b. **Early Morning Alcohol Restriction Order (EMRO).** Section 172A- 172E provides for the Early Morning Alcohol Restriction Order (EMRO). The EMRO enables Licensing Authorities to restrict sales of alcohol in the whole or a part of their area for any specified period between 12 midnight and 6am if they consider this appropriate for the promotion of the licensing objectives. It was introduced to the LA2003 via the Police Reform and Social Responsibility Act 2011, and commenced on 31 October 2012.
  - c. **s.182 Guidance.** Section 182 of the LA2003 requires the Secretary of State to issue guidance to Licensing Authorities on the discharge of their functions under the LA2003 ("the s.182 guidance"). The purpose of the guidance is to assist Licensing Authorities in the carrying out of

their functions under the LA2003. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made publicly available on the gov.uk website for the benefit of those who run licensed premises and the general public.

#### 43. *The Schedules:*

##### **Schedule 1 - Provision of regulated entertainment**

44. Under the LA2003, licences are required to host entertainment activities that are attended by the public or in private with a view to profit.

##### **Schedule 2 - Provision of late night refreshment**

45. The LA2003 regulates the sale of late night refreshment primarily because it is often linked to alcohol-fuelled crime and disorder in the night time economy, such as at fast-food takeaways where late-night drinkers congregate. Schedule 2 defines late night refreshment as hot food and hot drink sold to the public between the hours of 11pm and 5am. There are exemptions within the LA2003, for example for food served to hotel guests or in staff canteens.

46. Beyond Schedule 2 there are six other remaining Schedules. These schedules contain predominantly technical provisions, which expand on and sit behind the operation of the LA2003. These schedules are not expanded on in this memo.

##### **Schedule 3 - Matters to be entered in licensing register**

47. Provides details of the information which must be recorded in the Licensing Authority's licensing register, required under section 8 of the LA2003. This is a comprehensive list of applications made to, and notices given to, the Licensing Authority.

##### **Schedule 4 - Personal licences**

48. Lists 'relevant offences'. Conviction for a relevant offence can be grounds for refusing the grant of a personal licence, or for suspending or revoking an existing offence.

##### **Schedule 5 – Appeals**

49. Provides for decisions made by a Licensing Authority to be subject to appeal to a magistrates' court by any party involved in the decision, including applicants, responsible authorities and interested parties.

##### **Schedule 6 - Minor and consequential amendments**

50. Sets out the minor and consequential amendments made to existing legislation.

##### **Schedule 7 – Repeals**

51. Lists existing legislation which was repealed by the LA2003.

##### **Schedule 8 - Transitional provision**

52. Sets out the transitional arrangements, including the conversion of licences which were in existence at the time the LA2003 came into force.

### 3. Implementation

53. This section sets out when and how different provisions of the LA2003 commenced. Highlighted here are also the enabling powers yet to be used.

Provision	Date of commencement	Commencement Order S.I. No	Effect of what was commenced
s.199 of and Sch.7 to the LA2003, so far as it relates to s.66 (Sunday closing in Wales and Monmouthshire) and s.67 (supplementary provisions for Welsh Sunday polls) of and Sch.8 (polls in Wales and Monmouthshire) to the Licensing Act 1964	16.07.03	2003/1911	S.199 gives effect to Schedule 7, which lists legislation repealed by the LA2003. S.66, s.67 and schedule 8 of the Licensing Act 1964 were provisions which placed restrictions on the sale of alcohol in Wales. The local government electorate in the counties and county boroughs of Wales and Monmouthshire could previously requisition polls to decide whether licensed premises should be permitted to open on Sundays. Since the polls taken on 13 November 1996, Sunday opening has been adopted throughout Wales and Monmouthshire. Repealing these powers means that provisions in the LA2003 apply equally across England and Wales.
s.155 and s.199 in so far as it relates to entries in Sch.7 to the LA2003 relating to the Confiscation of Alcohol (Young Persons) Act 1977 and section 12 of the Criminal Justice and Police Act 2001	10.09.03	2003/2100	S.155 amended s.1 of the Confiscation of Alcohol (Young Persons) Act 1997 so that a police officer may confiscate alcohol from a person under the age of 18 regardless of whether it is in a sealed or open container. (Prior to this change, alcohol could not be confiscated if it was in a sealed container). S.12 of the Criminal Justice and Police Act 2001 related to alcohol consumption in designated public places, and the LA2003 amended the power to include alcohol in a sealed container. This provision was subsequently repealed on 20 October 2014 by the Anti-social Behaviour, Crime and Policing Act 2014, which contains powers to deal with alcohol-related anti-social behaviour.
ss. 1, 3 to 5, 8, 9(2), 13(2)(f) and (4)(i), 16(1)(i), 17(3)(b), (c), (4) and (5), 24, 29(6), 30, 31(6)(a), 34(5), 37(3)(a), 47(2)(a), 51(3), 54, 55, 58(1)(c), 69(2)(f), and (4)(i), 71(4)(b), (5) and (6), 78, 84(4), 87(3), 91, 92, 95(1)(c), 100(4), (5)(f), (7)(b) and (8), 102(2), 107(7) and (12), 110(3), 113(2), 120(2)(b), 125(4), 133, 167(4), 173(1)(h), (3)	16.12.03	2003/3222	The Order brings into force those provisions of the Act listed in the Schedule to the Order, to the extent specified. The provisions fall into the following four broad categories:  (a) a provision setting the scope of the new licensing regime under the Act (section 1);  (b) provisions providing the general framework of, and apparatus for, the new regime, some of which are necessary to allow the licensing authorities to start preparing for the exercise of their

<p>and (5), 176(3), 178(1)(b) and (4)(d), 182, 183(1), 187(7), 191 to 194, 197, 198(2), 200 (partially), Schs.1 to 3 and Sch.8 (partially)</p>			<p>regulatory functions (sections 3, 4, 5, 8 and 182 and Schedules 1, 2 and 3). These provisions relate to matters which include the general duties of licensing authorities (section 4(1)); the licensing objectives (section 4(2)); the duty of licensing authorities to determine and to publish a statement of its licensing policy (section 5); and the duty of the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act (section 182);</p> <p>(c)provisions containing the power for the Secretary of State to make regulations or an order under the Act (sections 9(2), 13(2)(f) and (4)(i), 16(1)(i), 17(3)(b), (c), (4) and (5), 24, 29(6), 30, 31(6)(a), 34(5), 37(3)(a), 47(2)(a), 51(3), 54, 55, 58(1)(c), 69(2)(f) and (4)(i), 71(4)(b), (5) and (6), 78, 84(4), 87(3), 91, 92, 95(1)(c), 100(4), (5)(f), (7)(b) and (8), 102(2), 107(7) and (12), 110(3), 113(2)( 120(2)(b), 125(4), 133, 167(4), 173(1)(h), (3) and (5), 176(3), 178(1)(b) and (4)(d), 183(1), 187(7), 197 and 198(2)). The regulation and order-making powers relate to matters which include the proceedings of licensing committees (section 9(2)); the advertising of applications (sections 17(5), 30, 51(3)(b), 71(6)(a) and 84(4)); fees to accompany applications (sections 55, 92 and 133); and the form of applications (sections 54, 91 and 133); and</p> <p>(d)provisions defining certain key terms under the Act (sections 191, 192, 193 and 194). These sections define terms that include “alcohol” (section 191) and “sale by retail” (section 192).</p>
<p>Paragraph 34 of Sch.8 to the LA2003 and s.200 in so far as it relates to it</p>	<p>07.07.04</p>	<p>2004/1738</p>	<p>S.200 gives effect to Schedule 8, which makes transitional and transitory provisions. Paragraph 34 of Schedule 8 provides definitions for terms used in the schedule, whereby “justices’ licence” refers to a Justices’ licence under the Licensing Act 1964. Schedule 8 sets out the process for justices’ licences in existence prior to commencement of the LA2003 to be converted into licences under the LA2003.</p>
<p>ss.6 and 9(1) and (3)</p>	<p>10.09.04</p>	<p>2004/2360</p>	<p>S.6 requires each licensing authority to establish a licensing committee. S.9(1) allows the licensing committee to establish one or more sub-committees; and s.9(3)</p>

			states that subject to any regulations, each licensing committee may regulate its own procedure and that of its sub-committee.
ss. 7, 10 to 23, 25, 29, 31 to 33, 34 to 37 (each section partially), 39 (partially), 59 (partially) to 66, 68 to 77, 79, 82, 83, 84 to 86 (each section partially), 90, 96 (partially), 111 to 118, 120, 122 to 135, 158, 178, 181 (partially), 183(2), 184 to 190, 195, 200 (partially), Sch.4, Sch,5 (partially), Sch.8 (partially)	07.02.05	2004/2360	These commencement provisions enabled licensing authorities to make the necessary arrangements for the application for and conversion of existing licences and club certificates and the variation of new licences and certificates as provided for in Schedule 8 to the Act, during the transitional period, and for applicants to make such applications, from the first appointed day (7 February 2005) within a period of six months. Further, the provisions of the Act which provide for the application for premises licences, club premises certificates and provisional statements and their determination were brought into force with effect from the first appointed day to enable applications for new authorisations to be made in the transitional period.
ss. 34 to 40, 42, (1) and (2), (3)(partially), (5) and (6), 44 to 46, 84 to 86, 181 (partially), Schedule 5 (partially)	07.08.05	2005/2090	This Order brought into force provisions in respect of the variation of premises licences (sections 34 to 40), the transfer of premises licences (sections 42 to 46, except section 43(4)), the variation of club premises certificates (sections 84 to 86) and related appeals (Schedule 5, paragraph 1 (b) and (c), 4, 5, 6, 9, 10(b) and 12). This allowed licensees to transfer or vary premises licences and club premises certificates during the transitional period.
Part 5, so far as it is not already in force, is brought into force	10.11.05	2005/3056	This Order commenced the remaining provisions of Part 5.
With the exception of paragraphs 98 and 99(c) of Schedule 6 to the LA2003 and the repeal of section 2(1A) and section 5A of the 1985 Act, the remaining provisions of the Act, so far as they are not already in force	24.11.05	2005/3056	This Order commenced the remaining provisions of the LA2003, with the exception of:  Paragraphs 98 and 99(c) of Schedule 6, which would have the effect of repealing section 2(1A) and section 5A of the Sporting Events (Control of Alcohol etc) Act 1985. Section 98 relates to section 2(1A) of the Sporting Events (Control of Alcohol etc.) Act 1985. The fact that this section has not commenced means that it remains an offence to have alcohol (or a container containing alcohol) at any time during the period of a designated sporting event when in the area of the sports ground from which the event may be directly viewed.

			Section 99(c) would repeal restrictions on the times at which alcohol may be consumed in private areas of designated sports grounds. S.5A of the Sporting Events (Control of Alcohol etc.) Act 1985 states that alcohol may be consumed up to 15 minutes before the start of the sporting event and 15 minutes after the event. This section defines private areas as rooms from which sporting events may directly be viewed and to which the general public are not admitted. The fact that paragraph 99c of the LA2003 has not commenced means that this restriction remains in place.
ss.147A, 147B, 169A and 169B	06.04.07	2007/858	This Order brings into force the provisions of the Violent Crime Reduction Act 2006, which introduced the offences of: s.147A persistently selling alcohol to children; s.147B the power for the court to order the suspension of a premises licence if the licensee is convicted of persistently selling alcohol to children; s.169A closure notice for persistently selling alcohol to children; s.169B stating that the effect of the closure notice is to suspend the licence for the period of the notice and that no further proceedings would be brought for the alleged offence.
s.175 [substituted old s175]	01.09.07	2006/3272	The Gambling Act 2005 substituted a new section 175 for the old section 175. (see the Gambling Act 2005, s 356(1), Sch 16, Pt 2, para 20(1), (2)). This provides an exemption for incidental non-commercial lottery, so that the promotion of a lottery will not need to be licensed if alcohol is given as a prize, provided that the alcohol is in a sealed container. This new s.175 replaced the exemption for raffle, tombola etc.
ss.53A, 53B and 53C	01.10.07	2007/2180	This Order commenced the provisions in the Violent Crime Reduction Act 2006 which introduced the process of summary reviews which may be undertaken in serious cases of crime and disorder. These allow the police to apply to the licensing authority for an expedited review of a premises licence, and for the licensing authority to put conditions ('interim steps') in place pending the review in order to promote the licensing objectives (for example to keep the public safe or prevent crime and disorder).
s.41A	01.07.09 for	2009/1772	This Order commenced provisions which

	certain purposes, 29.07.09 for remaining purposes		allow a licensee to apply for a minor variation to a premises licence or club premises certificate. The purpose of this new process was to save time, money and regulatory resources by allowing variations that could not impair the promotion of the licensing objectives to be made through a simplified and less costly procedure.
ss.41B, 41C and 41D	29.07.09	1009/1772	This Order allows a licensee to apply for a minor variation to a premises licence or club premises certificate. Sections 41B and 41C make provisions for determination of applications for minor variations to premises licences and club premises certificates. S.41D allows the management committee of community premises to apply for a variation of the licence to allow the management committee to authorise the sale of alcohol as an alternative to having a Designated Premises Supervisor (this is called the "alternative licence condition". This is designed to save community premises money, where the licensing authority is satisfied that the management committee can ensure adequate supervision of the sale of alcohol.
s.25A	29.07.09	2009/1724	This Order inserts new sections 25A, 41D and 52A to the LA2003 in respect of applications, variations and reviews of premises licences. This allows the management committee to authorise the sale of alcohol as an alternative to having a Designated Premises Supervisor (this is called the "alternative licence condition"). This is designed to save community premises money, where the licensing authority is satisfied that the management committee can ensure adequate supervision of the sale of alcohol. The Order also inserts new definitions of "community premises" and "management committee" into s.193 of the Act.
s.52A	29.07.09	2009/1724	As above for s.25A.
s.19A	29.01.10	2010/860	Sections 19A and 73A of the LA2003 (as inserted by section 32 of and Schedule 4 to the Policing and Crime Act 2009) provide for the Secretary of State to prescribe by order up to nine mandatory conditions applicable to premises licences and club premises certificates which authorise the supply of alcohol to the public in licensed premises or to members or guests of clubs in club premises. The Order sets out the five mandatory conditions which apply to all relevant

			premises licences and all relevant club premises certificates authorising consumption of alcohol on the premises, with the exception of the condition requiring an age verification policy to be adopted, which applies in addition to licences and certificates which permit the supply of alcohol only for consumption off the premises.
s.55A	25.04.12	2012/1129	This Order commences section 55A, introduced by the Police Reform and Social Responsibility Act 2011. This provision requires a licensing authority to suspend a premises licence if the licensee has failed to pay the licensing authority an annual fee.
s.177A	01.10.12	2012/2115	This Order commences provision in the Live Music Act 2012 to amend section 177 of and Schedule 1 to the LA2003, and also inserts a new section 177A. The changes to the LA2003 deregulate in part the performance of live music, remove regulation about the provision of entertainment facilities and extend the exemption which relates to music accompanying morris dancing or dancing of a similar nature.
ss. 172A to 172E	31.10.12	2012/2670	This Order commences sections 172A to 172E of the LA2003, which provide licensing authorities with the power to introduce an Early Morning Alcohol Restriction Order (EMRO). These provisions were introduced by the Police Reform and Social Responsibility Act 2011.
Part 5A, ss. 197A and 197B	To be commenced		The Deregulation Act 2015 inserted a new Part 5A to the LA2003, to provide a new authorisation for the sale of alcohol at community events and ancillary sales of alcohol by businesses (called the Community and Ancillary Sales Notice). Sections 197A and 197B to allow for regulations to set fees in respect of the new authorisation. These sections have not yet been commenced.

## **Enabling powers not used**

54. It should be mentioned that where primary legislation has been used to make changes, this has allowed the changes to be considered in the wider context of the primary legislation.

55. The enabling powers not used, together with an explanation of why, is as follows:

### **Section 5(7)**

56. Section 5(7) relates to the Licensing Authority's statement of licensing policy. It allows regulations to make provision about the determination and revision of policies, and the preparation and publication of licensing statements. This provision has not been used because it has not been deemed necessary to legislate for additional requirements to those set out in section 5 itself. Additional details are provided to Licensing Authorities in the statutory guidance issued under section 182 of the LA2003.

### **Section 8(2)**

57. Section 8(2) relates to the requirement on a Licensing Authority to keep a register recording licences issued, notices received and other licensing matters. It allows regulations to require the register to be in a prescribed form and kept in a prescribed manner. Regulations have not been made under this section in order to minimise the administrative burden on Licensing Authorities by allowing them flexibility to record this information in a manner that suits their local processes.

### **Section 13(4)(i)**

58. Section 13(4)(i) allows bodies to be added to the list of responsible authorities for the purposes of Part 3 of the LA2003 (in relation to premises licences) via regulations subject to the negative procedure. However, where it has been necessary to add to the list this has been done via primary legislation. The Licensing Authority, directors of public health and the local health board (in Wales) were made responsible authorities via the Police Reform and Social Responsibility Act 2011; the Fire and Rescue Services Act 2004 added the fire and rescue authority. Provision in the Immigration Act 2016 (yet to be commenced) will add the Secretary of State to the list of responsible authorities. On each occasion amending the list via primary legislation has been considered appropriate because it has allowed the changes to be debated in the wider context of the primary legislation.

### **Section 16(1)(i)**

59. Section 16(1) provides a list of persons who may apply for a premises licence. Section 16(1)(i) allows the list to be added to by regulations. It has not been necessary to add to the list, but consequential changes have been made to this list by other legislation, for example to update the definition of a "health service body" to refer to an NHS trust as defined by section 25 of the National Health Service Act 2006 to Local Health Board established by the National Health Service (Wales) Act 2006.

### **Section 69(2)(f)**

60. Section 69(2)(f) allows persons to be added to the list of authorised persons. There has not been a need to add to the list of authorised persons.

### **Section 69(4)(i)**

61. Section 69(4)(i) allows bodies to be added to the list of responsible authorities for the purposes of part 4 of the LA2003 (in relation to clubs). The list has been added to on several occasions via primary legislation, in the same way as section 13(4)(i), to include the same bodies as for premises licences (with the exception of the Secretary of State (added to the LA2003 by the Immigration Act 2016) which is not required for club premises certificates because clubs are considered to be low-risk premises for illegal working).

### **Section 100(8)**

62. Section 100(8) allows the maximum period of time which a Temporary Event Notice may cover (the “event period”) to be changed by regulations. While regulations have not been used to extend the period of time, the TEN has been extended via the Police Reform and Social Responsibility Act 2011. Section 100(8) also allows the maximum number of persons which may be allowed on the premises when a Temporary Event Notice is in operation. The limit has not been altered since the LA2003 came into force.

### **Section 107(12)**

63. Section 107 relates to the issuing of a counter-notice to a Temporary Event Notice because permitted limits have been exceeded. Section 107(12) allows the maximum number of Temporary Event Notices or late Temporary Event Notices which may be given by a personal licence holder per calendar year to be changed by regulations. It also allows the maximum number of Temporary Event Notices which may be given by a person who does not hold a personal licence, per calendar year, to be altered by regulations. These limits have not been altered since the LA2003 came into force.

64. Section 107 also allows the maximum number of Temporary Event Notices which may be given in respect of the same premises in a calendar year to be altered. This number was increased from 12 to 15 via the Deregulation Act 2015. Section 107 also allows changes to be made to the maximum number of days per calendar year which may be covered by a Temporary Event Notice at the same premises. This number was increased from 15 to 21 via the Police Reform and Social Responsibility Act 2011.

### **Section 173(1)(h)**

65. Section 173(1) provides a list of locations in which activities which would otherwise be licensable are not. The list includes, for example, on board aircraft or trains, and royal palaces. Section 173(1)(h) allows the list to be added to by regulations; the list has not been added to since the LA2003 came into force.

### **Section 173(3)**

66. Section 173(3) allows the Secretary of State to designate a port, hoverport or airport which have a substantial amount of international passenger traffic as locations where activities will not be licensable. This power has not been used.

### **Section 176(3)**

67. Section 176 provides for premises to be ‘excluded’ from the LA2003, with the effect that alcohol must not be sold from those premises. Premises currently prohibited from selling alcohol are certain motorway service areas and premises

used primarily as a petrol station. Section 176(3) allows the definition of excluded premises to be amended so as to add types of premises at which alcohol may not be sold, or remove those already on the list, via regulations. This power has not been used.

#### **Section 178(4)(d)**

68. Section 178 provides a right for people with a 'property interest' in a premises to be notified of licensing matters in relation to that premises, by notifying the Licensing Authority of their interest. The list includes, for example the freeholder or leaseholder of the premises or a mortgagee. Section 178(4)(d) allows the list of what constitutes a 'property interest' to be amended by regulations. This power has not been used.

#### **Section 187(7)**

69. Section 187 allows corporate bodies as well as individual officers from those bodies to be liable, proceeded against and punished accordingly for offences under the LA2003. Section 187(7) allows regulations to provide for any provision under section 187 to apply to a corporate body or unincorporated association formed or recognised under the law of a territory outside the United Kingdom. This power was taken to ensure that foreign companies/organisations and their officers, could not escape liability for breaches of LA2003 offences by arguing that the fact they are incorporated abroad precludes accountability to UK criminal law. This power has not been used.

#### **Section 197A and 197B**

70. Sections 197A and 197B were inserted via the Police Reform and Social Responsibility Act 2011. This introduced a power for the Home Secretary to prescribe that fees are set by each Licensing Authority to recover its costs.

71. Licensing fees are intended to recover the costs of Licensing Authorities in administering the licensing system. The fee levels were set in 2005 when the LA2003 came into force, and have remained the same since. In principle, locally-set fees should ensure that fee-payers do not pay too much or too little where the costs vary in different areas. In 2014 the Home Office consulted on detailed aspects of locally-set fees, such as the mechanisms required to ensure transparency and cost-effectiveness in setting fees. There were very few responses from local government and the Government decided not to introduce locally-set licensing fees at that time. The Government invited the Local Government Association to provide further evidence of Licensing Authorities' costs in delivering licensing functions, and their capacity to measure them. The LGA surveyed Licensing Authorities in early 2016, and is considering the results.

## 4. Secondary Legislation

72. The LA2003 relies on a comprehensive suite of secondary legislation to discharge its duties. The following lists all of the statutory instruments issued in connection with the LA2003.

Secondary Legislation	Description	Coming in to force date
Licensing Act 2003 (Amendment of Schedule 4) Order 2007/2075	Inserted a new paragraph 21 into Schedule 4 (Personal licence: relevant offences) to the LA2003. This added an offence under Section 46 of the Gambling Act 2005 (inviting, causing or permitting a child or young person to gamble on licensed premises) to the list of relevant offences.	11 August 2007
Licensing Act 2003 (Amendment of the Gaming Act 1968) (Transfer of Gaming Machine Permits) Order 2005/3027	A transitional arrangement for the transfer of gaming machine permits from the holder of a Licensing Act 1964 justices' licence to the holder of a LA2003 premises licence.	24 November 2005
Licensing Act 2003 (Amendment of the Lotteries and Amusements Act 1976) (Transfer of Amusements With Prizes Permits) Order 2005/3028	A transitional arrangement for the transfer of amusements with prizes permits from the holder of a Licensing Act 1964 justices' licence to the holder of a LA2003 premises licence.	24 November 2005
Licensing Act 2003 (Commencement No 2) Order 2003/2100	Brought into force provisions of the LA2003 relating to the confiscation of sealed containers of alcohol, as well as repeals and entries in Schedule 7 relating to— (i) the Confiscation of Alcohol (Young Persons) Act 1997; and (ii) section 12 of the Criminal Justice and Police Act 2001.	10 September 2003
Licensing Act 2003 (Commencement No 3) Order 2003/3222	Brought into force a range of provisions of the LA2003, including sections 1-8, 182, 191-194, Schedules 1-3 and provisions containing the power for the Secretary of State to make regulations or an order under the LA2003.	16 December 2003
Licensing Act 2003 (Commencement No 4) Order 2004/1738	Brought into force the provisions of paragraph 34 of Schedule 8 to the LA2003 to give effect to operative definitions for the use of delegated powers in relation to certain transitional provisions in that Schedule.	7 July 2004
Licensing Act 2003 (Commencement No 5) Order 2004/2360	Brought into force the provisions of the LA2003 which provide for the application for premises licences, club premises certificates and provisional statements, their determination. It also brought into force provisions for the conversion of existing licences and club certificates.	10 September 2004
Licensing Act 2003 (Commencement No 6)	Brought into force provisions in respect of the variation of premises licences, the transfer of premises licences, the	7 August 2005

Order 2005/2090	variation of club premises certificates, and related appeals.	
Licensing Act 2003 (Commencement No 7 and Transitional Provisions) Order 2005/3056	Brought into force provisions of the LA2003 not previously commenced, together with transitional arrangements for permits and orders made under the Gaming Act 1968 and the Lotteries and Amusements Act 1976.	10 November 2005
Licensing Act 2003 (Commencement) Order 2003/1911	Brought into force the repeal of sections 66 and 67 of and Schedule 8 to the Licensing Act 1964. This meant that Welsh local authorities could no longer requisition polls to decide whether licensed premises should be permitted to open on Sundays.	17 July 2003
Licensing Act 2003 (Consequential Amendment) (Non-Domestic Rating) (Public Houses in England) Order 2006/591	Amends the Non-Domestic Rating (public houses and filling stations) (England) Order 2001 to define "public house" by reference to the LA2003 rather than the Licensing Act 1964.	31 March 2006
Licensing Act 2003 (Consequential Amendment) (Non-Domestic Rating) (Public Houses in England) Order 2007/724	Substitutes a new definition of "public house" and revokes a definition of "relevant public house" inserted in the Non-Domestic Rating (Public Houses and Filling Stations) (England) Order 2001.	31 March 2007
Licensing Act 2003 (Consequential Amendments) Order 2005/3048	Makes consequential amendments to the table in section 1(1) of the Criminal Justice and Police Act 2001. It also amends or revokes various regulations and orders.	24 November 2005
Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013/1578	Amends the descriptions of entertainment in Schedule 1 to the LA2003 so that an authorisation for an indoor sporting event or a performance of a play or dance may be required only when the audience exceeds a specified number or the entertainment does not take place between 8am and 11pm on any day. Also clarifies that a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (a "combined fighting sport") is licensable.	27 June 2013
Licensing Act 2003 (Diamond Jubilee Licensing Hours) Order 2012/828	Provided for premises licences and club premises certificates to have effect during the period from 1st June to 3rd June 2012 (to the extent that this was not already the case) as if specified times of 2 hours beginning at 11pm were included in the opening hours under the licence or certificate.	16 March 2012
Licensing Act 2003 (Early Morning Alcohol Restriction Orders) Regulations 2012/2551	Prescribes requirements in relation to the process for making an early morning alcohol restriction order ("EMRO") under section 172A of the LA2003.	31 October 2012
Licensing Act 2003 (FIFA World Cup Licensing Hours) Order 2014/1294	Marked the occasion of the participation of the Men's Senior England Football Team in the 2014 FIFA World Cup by allowing extended opening times on the dates of	12 June 2014

	matches involving the English team.	
Licensing Act 2003 (Fees) (Amendment) Regulations 2005/357	Amends the LA2003 (Fees) Regulations 2005 to correct errors in the scope of regulation 4(2) in those regulations and concerning the fees payable where an application is made for the conversion of an existing licence during the transitional period and an application to vary is made at the same time.	23 February 2005
Licensing Act 2003 (Fees) Regulations 2005/79	Provides for the determination of the fees to accompany the making of applications and the giving of notices under the LA2003 (c.17) and the payment of those fees. Further, they make provision for the payment of annual fees in respect of premises licences and club premises certificates granted under the LA2003.	7 February 2005
Licensing Act 2003 (First appointed day and personal licences transitional period) Order 2004/1739	Appointed, for the purposes of Parts 1 and 2 of Schedule 8 to the LA2003, 7th February 2005 as the first appointed day. The first appointed day was the date on which an existing licence or an existing club certificate, must have been held for the purposes of conversion into to a new licence.	1 August 2004
Licensing Act 2003 (Forms and Notices) (Amendment) Regulations 2012/2290	Prescribes the form of: <ul style="list-style-type: none"> <li>• an application for the grant or variation of a premises licence;</li> <li>• an application for the grant of a provisional statement;</li> <li>• an application for the minor variation of a premises licence or club premises certificate;</li> <li>• an application for the grant or variation of a club premises certificate; and</li> <li>• a Temporary Event Notice.</li> </ul>	1 October 2012
Licensing Act 2003 (Forms) (Amendment) Regulations 2013/432	Prescribes the form of: <ul style="list-style-type: none"> <li>• an application for the variation of a premises licence;</li> <li>• an application for the minor variation of a premises licence or club premises certificate; and</li> <li>• an application for the variation of a club premises certificate.</li> </ul>	21 March 2013
Licensing Act 2003 (Hearings) (Amendment) Regulations 2005/78	Amends the LA2003 (Hearings) Regulations 2005 (2005/44) to correct an omission concerning the provision of a timescale within which a Licensing Authority must give notice of a hearing to specified persons.	7 February 2005
Licensing Act 2003 (Hearings) (Amendment) Regulations 2014/2341	Modifies the requirements governing the procedures to be followed in relation to a hearing held by a Licensing Authority when the hearing concerns an early morning alcohol restriction order.	1 October 2014
Licensing Act 2003 (Hearings) Regulations 2005/44	Provides for a range of procedural issues to govern the way in which preparations are made for a hearing, for the procedures to be followed, the rights of parties at a	7 February 2005

	hearing, and various administrative matters	
Licensing Act 2003 (Late Night Refreshment) Regulations 2015/1781	Prescribes those descriptions of premises that a Licensing Authority is permitted to designate as exempt from the licensing requirements that apply to the provision of late night refreshment.	5 November 2015
Licensing Act 2003 (Licensing Authority's register) (other information) Regulations 2005/43	Prescribes the further information each Licensing Authority is required to record in the register it is required to keep under section 8 of the LA2003.	7 February 2005
Licensing Act 2003 (Licensing statement period) Order 2004/2362	Appoints, for the purposes of section 5 (statement of licensing policy) of the LA2003, 7th January 2005 as the day the first period of three years begins in respect of which each Licensing Authority must determine its policy with respect to its licensing functions and publish a statement of that policy. It will govern the start of subsequent three year periods for the purposes of that section.	10 September 2004
Licensing Act 2003 (Mandatory Conditions) Order 2014/1252	Sections 19A and 73A of the LA2003 (as inserted by section 32 of and Schedule 4 to the Policing and Crime Act 2009) provide for the Secretary of State to prescribe by order up to nine mandatory conditions applicable to relevant premises licences and club premises certificates. Relevant premises licences and relevant club premises certificates are those authorising the sale and supply of alcohol to the public in licensed premises or to members or guests of clubs in club premises. The Schedule to the Order sets out a mandatory condition which applies to relevant premises licences and club premises certificates.	28 May 2014
Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014/2440	This Order amends the LA2003 (Mandatory Licensing Conditions) Order 2010.  The Schedule to the Order sets out the four mandatory conditions which apply to relevant premises licences and club premises certificates from the date of coming into force of the Order as provided in article 1.	1 October 2014
Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010/860	Sections 19A and 73A of the LA2003 (as inserted by section 32 of and Schedule 4 to the Policing and Crime Act 2009) provide for the Secretary of State to prescribe by order up to nine mandatory conditions applicable to relevant premises licences and club premises certificates. The Schedule to the Order sets out the five mandatory conditions which apply to relevant premises licences and club premises certificates.	6 April 2010
Licensing Act 2003 (Permitted Temporary Activities) (Notices and Fees) (Wales)	These Regulations prescribe a form of Temporary Event Notice ("Temporary Event Notice 2014 FIFA World Cup"), in respect of which no fee is payable, for use by premises users in Wales in relation to certain licensable activities at	31 May 2014

Regulations 2014/1371	certain times.	
Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012/960	These Regulations amend the LA2003 (Permitted Temporary Activities) (Notices) Regulations 2005 (SI 2005/2918) to give effect to certain amendments made to the LA2003 by the Police Reform and Social Responsibility Act 2011.	25 April 2012
Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2014/2417	These Regulations amend the LA2003 (Permitted Temporary Activities) (Notices) Regulations 2005 (“the 2005 Regulations”). Their purpose is to prescribe the form of a Temporary Event Notice to replace the notice prescribed in the 2005 Regulations. The form of Temporary Event Notice now requires the premises user to provide information about the intended use of premises for the provision of relevant entertainment (within the meaning of paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).	1 October 2014
Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2016/20	These Regulations substitute the form in the Schedule to these Regulations for the form in Schedule 1 to the LA2003 (Permitted Temporary Activities) (Notices) Regulations 2005 (prescribed form of Temporary Event Notice). The form of Temporary Event Notice now refers to the maximum number of temporary events permitted per year as 15 rather than 12 in order to reflect a change in the law brought about by section 68 of the Deregulation Act 2015 (c. 20).	2 February 2016
Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005/2918	These Regulations prescribe the forms to be used for Temporary Event Notices given by premises users under section 100 of the LA2003 (c. 17), and the prescribed matters and information to be contained in such notices. They also prescribe the form for the acknowledgement of the receipt by a Licensing Authority of a Temporary Event Notice.  In addition the Regulations prescribe the form to be used for counter notices given by Licensing Authorities under section 107 of the LA2003, and the manner in which a counter notice must be given to the premises user.	10 November 2005
Licensing Act 2003 (Persistent Selling of Alcohol to Children) (Prescribed Form of Closure Notice) Regulations 2007/1183	These Regulations prescribe the form of a closure notice given under section 169A of the LA2003.  A closure notice offers an alternative to prosecution under section 147A of the LA2003 for persistently selling alcohol to children.	3 May 2007
Licensing Act 2003 (Persistent Selling of Alcohol to Children) (Prescribed Form of Closure Notice)	These Regulations revoke the LA2003 (Persistent Selling of Alcohol to Children) (Prescribed Form of Closure Notice) Regulations 2007 and prescribe the form of a closure notice given under section 169A of the LA2003 to give effect to certain amendments made to that Act by the	25 April 2012

Regulations 2012/963	Police Reform and Social Responsibility Act 2011.	
Licensing Act 2003 (Personal licence: relevant offences) (Amendment) Order 2005/2366	This Order amends the list of offences that are treated as relevant offences for the purposes of an application for a personal licence under Part 6 of the LA2003.	16 September 2005
Licensing Act 2003 (Personal licences) (Amendment) Regulations 2012/946	These Regulations amend the LA2003 (Personal licences) Regulations 2005 (SI 2005/41).  The forms prescribed in Schedules 1 to 3 to these Regulations replace the forms prescribed respectively in Schedules 1 to 3 to the LA2003 (Personal licences) Regulations 2005. These are respectively the forms of the application for the grant or renewal of a personal licence, and the form of declaration of disclosure of convictions which must accompany each of these applications.	25 April 2012
Licensing Act 2003 (Personal licences) (Amendment) Regulations 2014/3284	These Regulations amend the LA2003 (Personal licences) Regulations 2005 (“the 2005 Regulations”) to give effect to new requirements relating to the application for the renewal of a personal licence in accordance with section 117 of the LA2003.	5 January 2015
Licensing Act 2003 (Personal licences) Regulations 2005/41	These Regulations make provision for the detailed requirements to be fulfilled by applicants for personal licences under Part 6 of the LA2003 (c. 17).  In addition the Regulations prescribe those persons to whom a licence may be granted who do not possess a licensing qualification (regulation 4). The form of the personal licence is prescribed in regulation 5.	7 February 2005
Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009/1809	These Regulations amend the LA2003 (Premises licences and club premises certificates) Regulations 2005 (S.I. 2005/42). The purpose of the amendments is to prescribe the forms, advertising requirements, fees and content of a Licensing Authority’s register in relation to minor variations of premises licences and club premises certificates under the LA2003 (c. 17), and to prescribe the forms etc. and fees in relation to applications from community premises for inclusion of alternative mandatory conditions in their licences as regards the supervision of alcohol sales.	29 July 2009
Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) (Electronic Applications etc) Regulations 2009/3159	These Regulations amend the LA2003 (Premises licences and club premises certificates) Regulations 2005 (S.I. 2005/42) (“the 2005 Regulations”).  The purpose of the amendments is to ensure that the 2005 Regulations are compatible with Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.	28 December 2009
Licensing Act 2003 (Premises licences and	These Regulations amend the LA2003 (Premises licences and club premises certificates) Regulations 2005 (S.I.	25 April 2012

club premises certificates) (Amendment) Regulations 2012/955	2005/42) (“the 2005 Regulations”) to give effect to certain amendments made to the LA2003 by the Police Reform and Social Responsibility Act 2011.	
Licensing Act 2003 (Premises licences and permitted temporary activities) (Forms and notices) (Amendment) Regulations 2010/2851	These Regulations amend the LA2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42).  The purpose of the amendments is to prescribe the forms in relation to applications for the grant of a premises licence, the grant of a provisional statement and the transfer of a premises licence, and forms in relation to an interim authority notice and a Temporary Event Notice.	1 January 2011
Licensing Act 2003 (Royal Wedding Licensing Hours) Order 2011/1073	This Order was made under section 172 of the LA2003, and marked the occasion of the marriage of His Royal Highness Prince William and Miss Catherine Middleton on 29th April 2011.	5 April 2011
Licensing Act 2003 (Second Appointed Day) Order 2005/2091	This Order appointed, for the purposes of Parts 1 and 2 of Schedule 8 to the LA2003, 24th November 2005 as the second appointed day (article 2).	24 November 2005
Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007/2502	These Regulations amend various Regulations under the LA2003 to allow for the operation of the new summary review procedure under sections 53A to 53C of the LA2003 in relation to premises licences	1 October 2007
Licensing Act 2003 (Transitional conversions fees) Order 2005/80	This Order made provision for the determination of the fees to be paid in respect of premises for the conversion of existing licences and registered certificates to new premises licences and club premises certificates under paragraphs 2 or 14 of Schedule 8 to the LA2003 (c. 17).	7 February 2005
Licensing Act 2003 (Transitional provisions) Order 2005/40	This Order makes provision for the detailed requirements to be fulfilled by applicants to convert existing authorisations to use premises for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment to new premises licences under Schedule 8 to the LA2003 (c. 17).	7 February 2005
[Licensing Act 2003 (Welsh Language Forms) Order 2007/805]	This Order prescribes the Welsh and bilingual versions of the forms which may be accepted by Welsh Licensing Authorities instead of the forms prescribed by the LA2003 (Premises licences and club premises certificates) Regulations 2005, the LA2003 (Personal licences) Regulations 2005 and the LA2003 (Permitted Temporary Activities) (Notices) Regulations 2005.	6 April 2007
Port of Folkestone Licensing (Liquor) Order 1995/495	Section 86A of the Licensing Act 1964 provides that, at an international port where that section is in operation, section 59 of that Act (which prohibits the sale, supply, or consumption of intoxicating liquor in licensed premises, or the taking of intoxicating liquor from such premises, except during the permitted hours) shall not apply to licensed	7 March 1995

	premises which are within an approved wharf (within the meaning of the Customs and Excise Management Act 1979). This Order brings section 86A into operation at the port of Folkestone.	
Port of Ramsgate Licensing (Liquor) Order 1995/496	Section 86A of the Licensing Act 1964 provides that, at an international port where that section is in operation, section 59 of that Act (which prohibits the sale, supply, or consumption of intoxicating liquor in licensed premises, or the taking of intoxicating liquor from such premises, except during the permitted hours) shall not apply to licensed premises which are within an approved wharf (within the meaning of the Customs and Excise Management Act 1979). This Order brings section 86A into operation at the port of Ramsgate.	7 March 1995
Welsh Language (Gambling and Licensing Forms) Regulations 2010/2440	These Regulations prescribe the Welsh, and in some cases the bilingual, versions of the forms which may be accepted by Welsh Licensing Authorities.	6 November 2010

## 5. Legal Issues with the Licensing Act 2003

73. This section of the memorandum gives an indication of any specific legal or drafting difficulties which have been matters for public concern. While there have been in excess of 100 cases which cite the LA2003, other than a very small number related to section 53C, these have not called into question the drafting of the LA2003 or raised issues of public concern.

74. Section 53A of the LA2003 allows the police to make an application for a summary review of a premises licence, if the relevant premises are associated with serious crime or serious disorder. The Licensing Authority must consider within 48 hours whether it is necessary to impose interim steps (temporary conditions on a licence). The hearing to review the premises licence must take place within 28 days of receipt of the application. The decision taken at the review hearing only comes into effect once the time limit for appealing (21 days) has expired or any appeal has been disposed of. There is ambiguity in the LA2003 about whether the interim steps remain in place during this period. There is also ambiguity about whether Licensing Authorities have the power to withdraw or amend the interim steps at the review hearing. This has resulted in licensed premises, closed due to serious problems, re-opening pending the outcome of an appeal. The following four cases occurred as a result of this ambiguity.

- Chief Constable of Cheshire v Oates (December 2011)
- 93 Feet East Ltd v London Borough of Tower Hamlets [2013] EWHC 2716
- The Commissioner of the Metropolitan Police v Mayfair Realty Limited [July 2014, unreported]
- Sarai v London Borough of Hillingdon [August 2014]

75. As a result of this ambiguity, a number of judges have made conflicting decisions in interpreting the law. In one case (*Chief Constable of Cheshire v Oates (December 2011)*) a decision was taken to suspend the licence as an interim step, followed by a decision at the full review hearing to suspend for a further three months. The licence holder appealed against the three month suspension and continued to operate pending the appeal. The police issued a closure notice on the basis that the premises was being used for the unauthorised sale of alcohol. The District Judge refused to make the closure order and the premises was allowed to remain open as she ruled that the interim steps were one-sided and should only be in place for a limited time.

76. In a later case (*93 Feet East Ltd v London Borough of Tower Hamlets [2013] EWHC 2716*), where drug dealing was a concern, the Licensing Authority decided to suspend the licence as an interim step with a decision taken at the full hearing to revoke the licence and for the interim steps to remain in place until the disposal of any appeal. The premises operators appealed and instigated judicial review proceedings on the basis that the Licensing Authority had no power to impose interim steps beyond the date of the full summary review hearing, but permission for judicial review was refused.

77. In a third case (*The Commissioner of the Metropolitan Police v Mayfair Realty Limited [July 2014, unreported]*) where a decision was taken to suspend the licence as an interim step and to revoke the licence at the full hearing, the

previous two cases were cited as part of the opposing arguments presented by each side, with an independent judgement ultimately being made that the interim steps should remain in place.

78. In another case (*Sarai v London Borough of Hillingdon [August 2014]*) the Licensing Authority decided at the full review hearing to revoke a licence and continue to suspend the licence as an interim step. The licensee lodged a judicial review claim alleging, among other things, that the interim steps could not extend beyond the summary review decision. An application was made by the licence holder to allow them to continue trading pending the outcome of the judicial review, which was granted. However, this decision, along with the permission for judicial review, was then overturned by the High Court.
79. Provisions in the Policing and Crime Bill, currently before Parliament, seek to remove this ambiguity. This amendment to the LA2003 will require the Licensing Authority to determine at the review hearing what interim steps should be in place pending the outcome of any appeal, or the expiry of the time limit for making an appeal. These arrangements will allow Licensing Authorities and the police to take effective enforcement action, and will be fairer for businesses. Licensees and the police will be able to appeal the interim steps to a magistrates' court.
80. In addition, section 182 of the LA2003 requires the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the LA2003 and every revision to it must currently be laid before Parliament and be subject to the negative resolution procedure. This has proved to be a costly and burdensome process since the Parliamentary procedure is required every time any change is made to the Guidance; however minor. No debates on any of the changes to the Guidance within the last ten years have been held. The Policing and Crime Bill seeks to remove this procedure in order to reduce costs and enable the Guidance to be updated in the most efficient way. There were no opposition amendments to relation in this clause and therefore the clause was not debated.

## 6. Previous Reviews of the Licensing Act 2003

### Introduction

81. This section summarises key research, evaluation and reviews of the operation and impact of the LA2003.
82. The reports vary in methodology and coverage but provide useful information and perspectives. However, as it is difficult to isolate the impact of the LA2003, it is not possible to conclude whether any observed changes were as a direct result of the LA2003. Furthermore, the majority of the evidence is based on a relatively short timescale and does not consider the long term impact of the LA2003. All of this needs to be taken into account when interpreting the findings.
83. Note also that this section is not a full systematic review of the evidence and may not include all published information.
84. This section is categorised into the following:
- a. Government publications
  - b. Non-government national level reviews
  - c. Non-government local or regional reviews
85. In addition to published reviews, the Home Office keeps all areas of the LA2003 under review. Most recently, workshops were held over the summer in 2015 and spring 2016 on the tools and powers available to Licensing Authorities. In attendance was Licensing Authorities, the police, and representatives of the licensed trade. The workshops were held specifically to help develop proposed amendments to the LA2003 which have subsequently been included in the Policing and Crime Bill and the Immigration Act 2016.

### Government publications

#### Department for Culture, Media and Sport Evaluation

*Evaluation of the impact of the Licensing Act 2003*. London: Department for Culture, Media and Sport (2008).

86. This report brought together the available evidence of the extent to which the aims and objectives of the LA2003 had been met post-implementation.
87. Key sources of evidence used:
- Home Office evaluation of the impact on levels of crime and disorder.
  - Scrutiny Councils Initiative summarising the views of ten local authorities on the implementation of the LA2003.
  - Review of Secretary of State's Statutory Guidance to Licensing Authorities (issued under section 182 of the LA2003).

- DCMS Simplification Plan, including better regulation proposals to improve the licensing regime and an assessment of the administration costs to licence holders and applicants.
- Independent Fees Panel Report on the licensing fees structure and licence fee levels.
- Live Music Forum Report including the impact of the LA2003 on live music.
- Live Music Research into the level of live music before and after the LA2003 and the experience of small venues.
- National Statistics licensing data bulletin which collected data on the number of licences issued, the number of licence reviews and the information relation to 2006/07.
- Work undertaken by CGA Strategy Ltd showing changes in actual on-licensed closing times.

88. Several of these studies concluded that the impact of licensing cannot be considered independently of other factors.

89. The report stated that it found a 'mixed picture', where crime and alcohol consumption were generally down, but alcohol-related violence had risen in the early hours of the morning and some communities reported increased alcohol-related disorder. Specifically:

- There had been only limited changes to opening hours and no evidence of 24-hour drinking (a minority of premises obtained and even fewer used 24-hour licences).
- There was no serious adverse impact on the provision of live music.

90. The report raised concerns about some areas.

- While the flexible opening hours had allowed for reduced peaks in trouble in some areas, this improvement had not been seen in all areas.
- The impact on crime was limited and there was evidence of dispersal of incidents into the early hours.
- Use of the new legislation varied between different authorities and areas and some stakeholders experienced difficulties (although most enjoyed benefits from reduced red tape and bureaucracy).
- Although there was not a discernible negative impact on live music, the changes had not led to increases in numbers of events, and there were concerns that the regime was disproportionate for some types of event.

91. A **written ministerial statement** was laid by the Rt. Hon. Andy Burnham MP on the DCMS "Evaluation of the impact of the Licensing Act 2003":

<https://www.gov.uk/government/publications/written-ministerial-statement-by-andy-burnham-on-the-evaluation-of-the-impact-of-the-licensing-act-2003>

## Home Office Evaluation

92. In 2008 the Home Office commissioned an external evaluation specifically to examine the impact of the LA2003 on crime and disorder. In addition to the **main report** the Home Office published an **accompanying data report**, several

supporting *local evaluations*, and also a journal article by the principal investigators.

### **Main report**

**Hough, M., Hunter, G., Jacobson, J. and Cossalter, S. (2008) *The impact of the Licensing Act 2003 on levels of crime and disorder: an evaluation*. Home Office Research Report 04. London: Home Office.**

93. This report summarises the results of the evaluation. The evaluation used previously published data but also included:

- a data collection exercise from 30 of the 43 England and Wales police forces;
- a national telephone survey of police licensing officers; and
- interviews with people working in the trade and those responsible for its regulation (conducted in Birmingham, Blackpool, Croydon, Guildford and Nottingham, an illustrative sample).

94. While the evaluation was based on a wide range of data, it is not possible to say what would have happened to crime and disorder with no change to licensing laws. Only the short-term changes (the impact on crime and disorder in the first year post-legislation) were evaluated.

95. The main conclusion was that, “in their first year the changes introduced by the 2003 Licensing Act had only small effects on the opening hours of most pubs and clubs, on levels of alcohol consumption and on alcohol-related problems of crime and disorder.” For example:

- Most premises extended their hours by 1-2 hours and often only at weekends, sometimes closing earlier than 11pm during the week. Only a minority of premises requested 24-hour licences.
- Alcohol consumption (self-report data and on-licence estimates) showed a slight fall, although some were drinking later into the night.

96. There was no obvious impact on violent crime and disorder. According to a range of measures:

- Violent crime and criminal damage showed little change, with a small proportion of offences being displaced until after 3am.
- Victim surveys showed little change in violent offences, use of the night time economy, feelings of safety in town centres or witnessing drunk anti-social behaviour.
- Medical statistics overall showed little change: there were some increases in alcohol-related hospital attendances and ambulance call-outs but falls in injury from assault attendances at A&E.

## Accompanying data report

**Babb, P.** (2007) *Violent Crime, Disorder and Criminal Damage since the Introduction of the Licensing Act 2003*. Home Office On-line Report 16/07. London: Home Office. <http://webarchive.nationalarchives.gov.uk/20110218135832/http://rds.homeoffice.gov.uk/rds/pdfs07/rdsolr1607.pdf>

97. Data from 30 of the 43 police forces in England and Wales showed an overall fall in more serious violent crimes in the year after the LA2003 implementation compared with the previous year: decreases were seen in the evening before midnight but increases were apparent between 3am and 6am (in total these offences accounted for 4% of offences within a 24-hour period). There was also a fall in less serious wounding, no overall percentage change in assault without injury offences and a rise in criminal damage offences occurring after 9pm (overall, criminal damage fell slightly).

### Local level evaluations

98. The key messages from the case studies were captured in the main report but each was published separately.

99. These local evaluations are listed here:

**Jacobson, J., Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M. and Wilcox A.** (2008) *Key Findings of the Nottingham Case Study*. London: Institute for Criminal Policy Research, King's College London.

**Newton, A. and Hirschfield, A.** (2008) *Evaluation of Licensing Act: Measuring Crime and Disorder in and around Licensed Premises, Research Study SRG/05/007 Supplementary Annex*. Huddersfield: University of Huddersfield Applied Criminology Centre.

**Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M. and Wilcox A.** (2008) *Evaluation of Licensing Act: Measuring Crime and Disorder in and around Licensed Premises, Research Study SRG/05/007 Annex 1—Blackpool*. Huddersfield: University of Huddersfield Applied Criminology Centre.

**Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M. and Wilcox A.** (2008) *Evaluation of Licensing Act: Measuring Crime and Disorder in and around Licensed Premises, Research Study SRG/05/007 Annex 2—Birmingham*. Huddersfield: University of Huddersfield Applied Criminology Centre.

**Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M. and Wilcox A.** (2008) *Evaluation of Licensing Act: Measuring Crime and Disorder in and around Licensed Premises, Research Study SRG/05/007 Annex 3—Croydon*. Huddersfield: University of Huddersfield Applied Criminology Centre.

**Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M. and Wilcox A.** (2008) *Evaluation of Licensing Act: Measuring Crime and Disorder in and around Licensed Premises, Research Study SRG/05/007 Annex 4—Guildford*. Huddersfield:

University of Huddersfield Applied Criminology Centre.

**Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M. and Wilcox A.** (2008) *Evaluation of Licensing Act: Measuring Crime and Disorder in and around Licensed Premises, Research Study SRG/05/007 Annex 5—Nottingham*. Huddersfield: University of Huddersfield Applied Criminology Centre.

**Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M. and Wilcox A.** (2008) *Evaluation of Licensing Act: Measuring Crime and Disorder in and around Licensed Premises, Research Study SRG/05/007 Technical Annex 1*. Huddersfield: University of Huddersfield Applied Criminology Centre.

**Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M. and Wilcox A.** (2008) *Evaluation of Licensing Act: Measuring Crime and Disorder in and around Licensed Premises, Research Study SRG/05/007 Final Report*. Huddersfield: University of Huddersfield Applied Criminology Centre

**Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M. and Hunter, G.** (2008) *Key Findings of the Croydon Case Study*. London: Institute for Criminal Policy Research, King's College London.

**Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M. and Hunter, G.** (2008) *Key Findings of the Guildford Case Study*. London: Institute for Criminal Policy Research, King's College London.

**Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M., Wilcox, A. and Jacobson, J.** (2008) *Key Findings of the Birmingham Case Study*. London: Institute for Criminal Policy Research, King's College London.

**Newton, A., Armitage, A., Hirschfield, A., Monchuk, L., Rogerson M., Wilcox, A. and Jacobson, J.** (2008) *Key Findings of the Blackpool Case Study*. London: Institute for Criminal Policy Research, King's College London.

### ***Related academic publication***

**Hough, M. and Hunter, G.** (2008) The 2003 Licensing Act's impact on crime and disorder: an evaluation. *Criminology & Criminal Justice* Vol: 8(3), pp.239–260. DOI: 10.1177/1748895808092428

100. This summarises the results of the Home Office evaluation (see Hough *et al.*, 2008). The key finding was that , “Despite widespread concern that the legislation would lead to ‘24-hour drinking’ and an increase in associated problems, the experience of the first year shows very little change.” In addition to the above findings, this article noted that “Police, local authorities and licensees generally welcomed the changes, the new powers it gave them, and the Act’s partnership philosophy.”

## Culture, Media and Sport Committee Report

The Licensing Act 2003. Sixth Report of Session 2008–09. London: House of Commons (2009).

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmcmds/492/492.pdf>

101. Following the report from the DCMS, the Culture, Media and Sport Committee undertook its own post-legislative scrutiny of the LA2003. The main aims were to assess whether benefits had been realised and whether the LA2003 worked well in practice.

102. Within the specific areas covered in this report, it highlighted concerns that:

- the system remained too bureaucratic;
- sports and not-for-profit clubs were being treated the same as the commercial sector;
- law and order problems had not diminished, but moved to later than previously; and
- music was automatically linked to nuisance by the LA2003.

103. The report recommended the implementation of a national database of personal licence holders, a modest increase in the number of Temporary Event Notices which may be given, and exemptions for small-scale travelling entertainments. Annex B to this memorandum sets out the full list of recommendations together with the latest position on each.

## Non-government national level reviews

**Foster, J., Herring, R., Waller, S. and Thom, B. (2008) *Implementation of the Licensing Act 2003: a national survey. Project Report.*** For the Alcohol Education and Research Council (Alcohol Research UK).

[http://alcoholresearchuk.org/downloads/finalReports/AERC\\_FinalReport\\_0054.pdf](http://alcoholresearchuk.org/downloads/finalReports/AERC_FinalReport_0054.pdf)

104. The perception of those surveyed in local authorities across England and Wales was that the impact of the LA2003 had “largely been neutral. There had been little change in noise levels, alcohol-related violence/fights, drink-driving, alcohol-related crime and under-age drinking. Since the LA2003 is just one of a number of changes aimed at reducing alcohol-related harm, evaluation of the impact of the LA2003, in isolation from other interventions, is likely to prove difficult.”

**Morleo, M., Lightowlers, C., Anderson, Z., Cook, P.A., Harkins, C. and Bellis, M.A.** (2009) A review of the impact of the Licensing Act 2003 on levels of violence in England and Wales: A public health perspective. *Crime Prevention and Community Safety* 11, pp. 204–218. doi:10.1057/cpcs.2009.14

105. The evaluations reviewed in this article suggested that the LA2003 had prolonged alcohol consumption and shifted the occurrence of alcohol-related violent incidents to later in the night; although the impacts varied between local areas.

**Sivarajasingam, V., Moore, S. and Shepherd, J.P.** (2007) *Violence in England and Wales 2006: An Accident and Emergency Perspective*. Cardiff University: Violence and Society Research Group.

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.513.7696&rep=rep1&type=pdf>

106. In a large scale survey of A&E departments, this study found that fewer people sought treatment at A&E departments following violence-related injury in 2006 compared with 2005, following the overall decline in serious violence and continuing the downward trend from A&E data between 2000 and 2005. These findings were not consistent with the hypothesis that the implementation of the LA2003 would increase violence in England and Wales.

**Roberts, M. and Eldridge, A.** (2007) *Expecting 'Great Things'? The Impact of the Licensing Act 2003 on Democratic Involvement, Dispersal and Drinking Cultures*.

University of Westminster for the Institute of Alcohol Studies

<http://www.ias.org.uk/uploads/pdf/UK%20alcohol%20reports/cci-0707.pdf>

107. As other articles reviewed the relationship between the LA2003 and crime and disorder, health and the evening economy, this study considered democratisation, diversity, and dispersal from the views of national operators and representatives from the police and licensed industry. The report found the impact of the LA2003 had been limited, but that it had provided benefits in terms of local accountability.

- The role of local councils and residents in the process (democratisation) seemed to have been a success.
- There was no greater diversity in the night-time economy; pre-existing drinking patterns continued, just slightly later and more outside the town centre.
- In terms of dispersal, many operators felt the staggered leaving times had been achieved although others disputed this and felt drinking hours had merely shifted to one or two hours later. The LA2003 seemed to have different impacts dependent on local circumstances.

**Foster, J.** (2016) *The Licensing Act (2003): its uses and abuses 10 years on*. Institute of Alcohol Studies.  
<http://www.ias.org.uk/What-we-do/IAS-reports/Licensing-Act-2003-Its-uses-and-abuses-10-years-on-Documents.aspx>

108. This is one of two recent reviews of the LA2003 ten years after its commencement. It was mainly based on 36 interviews with representatives of key groups involved in licensing (police, licensing officers, licensing lawyers, trade associations). Its main findings were:

- There was a common view that the LA2003 has improved day-to-day coordination and cooperation, both within the various regulatory agencies and between the regulators and the licensed trade.
- At the strategic level many participants from a regulatory background saw the LA2003 as fundamentally permissive, reactive and led by market forces at the expense of local communities. Controlling the off-trade was seen to be a particular problem.
- Late night opening has spread crime and disorder back into the early hours, causing significant problems for the police. Most police forces had to rearrange their shift patterns and allocate increased resources to the night time economy to address this change.
- Late night opening seems not to have increased the amount of time or money that people spend in the night time economy, but to have shifted the night out backwards. The report suggests this has probably increased pre-loading, as people have more time to drink at home before going out.
- While overall numbers of licensed premises have increased slightly under the Act, the growth of the off-trade is the most significant trend; around twice as many off-licences than on-licences have been granted over the last ten years.

**Snowdon, C.** (2015) *Drinking, Fast and Slow: Ten Years of the Licensing Act*. Institute of Economic Affairs  
<http://www.iea.org.uk/publications/research/drinking-fast-and-slow-ten-years-of-the-licensing-act>

109. This is the second of the ten-year-on reports. Drawing on available data it claims that it 'debunks the myths associated with extended opening hours'. The main findings were:

- It was widely predicted that the relaxation of licensing laws would lead to higher rates of alcohol consumption, more binge-drinking, more violent crime and more alcohol-related attendances to Accident and Emergency departments. In the event, none of this occurred.
- Per capita alcohol consumption had been rising for many years, but peaked in 2004 and has fallen by 17 per cent since the LA2003 was introduced. This is the largest reduction in UK drinking rates since the 1930s.

- Rates of 'binge-drinking' have declined amongst all age groups since 2005, with the biggest fall occurring amongst the 16-24 age group.
- Violent crime declined in the first year of the new licensing regime and has fallen in most years since. Since 2004/05, the rate of violent crime has fallen by 40 per cent, public order offences have fallen by 9 per cent, homicide has fallen by 44 per cent, domestic violence has fallen by 28 per cent and the number of incidents of criminal damage has fallen by 48 per cent. There has been a rise in violent crime between 3am and 6am, but this has been offset by a larger decline at the old closing times (11pm-midnight and 2am to 3am).
- The weight of evidence from Accident and Emergency departments suggests that there was either no change or a slight decline in alcohol related admissions after the LA2003 was introduced. Alcohol related hospital admissions have continued to rise, albeit at a slower pace than before the LA2003 was introduced, but there has been no rise in the rate of alcohol-related mortality. There was also a statistically significant decline in late-night traffic accidents following the enactment of the LA2003.
- The evidence from England and Wales contradicts the 'availability theory' of alcohol, which dictates that longer opening hours lead to more drinking, more drunkenness and more alcohol-related harm.
- There is little evidence that the LA2003 led to the creation of a continental café culture, as some proponents of liberalisation had hoped, but the primary objectives of diversifying the night-time economy, allowing greater freedom of choice and improving public order have largely been met.

## Non-government local or regional reviews

**Bellis, M.A., Anderson, Z. and Hughes, K.** (2006) *Effects of the Alcohol Misuse Enforcement Campaigns and the Licensing Act 2003 on Violence: A preliminary assessment of Accident and Emergency Attendances in Wirral*. Centre for Public Health: Liverpool John Moores University.

[www.cph.org.uk/cph\\_pubs/reports/CH/AMEC%20final%20report.pdf](http://www.cph.org.uk/cph_pubs/reports/CH/AMEC%20final%20report.pdf)

110. This study found the Alcohol Misuse Enforcement Campaigns during 2005/06 and the implementation of the LA2003 were associated with a significant reduction in the number of assault attendances to A&E compared to previous years. Analysis of each intervention showed a 15% reduction, but due to the overlapping time periods it is not possible to separate the effects of these interventions.

**Benger, J. and Carter, R.** Binge Drinking and Emergency Departments. Alcohol Insight 43. The Alcohol Education and Research Council (Alcohol Research UK).

[http://www.alcoholresearchuk.org/downloads/insights/AERC\\_AlcoholInsight\\_0043.pdf](http://www.alcoholresearchuk.org/downloads/insights/AERC_AlcoholInsight_0043.pdf)

111. Intoxicated patients were identified at the Emergency Department of the United Bristol Healthcare Trust. Around 4% of adults attended the department as a direct result of binge drinking, most commonly for accidents (34%) or assaults (30%). Specific issues were identified in relation to “pre-drinking” and “drink spiking”, but the change in licensing law that occurred during November 2005 did not appear to have had a significant impact to date of the published report.

**Morleo, M., Harkins, C., Hughes, K., Hughes, S. and Lightowlers, C. (2007) *The Implementation and Impact of the Licensing Act 2003 in Lancashire*. Centre for Public Health: Liverpool John Moores University.**

<http://www.cph.org.uk/publication/the-implementation-and-impact-of-the-licensing-act-2003-in-lancashire/>

112. This report reviews how the LA2003 could best be implemented among the Licensing Authorities in Lancashire. The findings showed that the new process has a number of benefits, including flexibility, more local control, and being quicker and more streamlined. Difficulties with the process included problems with the timing of appeals, no national register for personal licences and it not being possible to attach conditions to a Temporary Event Notice.

113. No areas reported an increase in crime and disorder and some found incidents easier to manage because closing times are spread out. Reports were mixed on preventing public nuisance and some progress was seen in addressing sale of alcohol to children.

**Newton, A., Sarker, S.J., Pahal, G.S., van den Bergh, E. and Young, C. (2007) Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *Emergency Medical Journal* Volume 24, pp. 532-534. doi:10.1136/emj.2007.046094**

114. This study compared alcohol-related attendances at the emergency department of St Thomas' Hospital, London, in March 2005 and March 2006, before and after the implementation of the LA2003. There was an increase in the proportion of attendances that were classified as alcohol related and also in the proportion of alcohol-related attendances as a consequence of injury or assault. This provides contrasting evidence therefore to that put forward in the previously mentioned study by: Bellis, M.A., Anderson, Z. and Hughes, K.

**Durnford, A.J., Perkins, T.J. Perry, J.M. (2008) An evaluation of alcohol attendances to an inner city emergency department before and after the introduction of the UK Licensing Act 2003. doi: 10.1186/1471-2458-8-379**

115. This study reviewed the proportion and time of alcohol-related emergency department attendances in an inner city emergency department in Birmingham in one week periods in January 2005 and 2006, before and after the implementation of the LA2003. This found a non-significant reduction in the proportion of alcohol-related attendances and an increase in the proportion at weekends between 3am and 5.59am.

**Herring, R., Thom, B., Foster, J., Franey, C. and Salazar, C.** (2008) Local responses to the Alcohol Licensing Act 2003: The case of Greater London. *Drugs: Education, Prevention and Policy* Volume 15(3), pp. 251-265.  
doi:10.1080/09687630801920641

116. This analysis found that Licensing Authorities varied in their level of engagement in licensing matters. Although there were reservations, the majority of respondents (licensing officers and chairs of licensing committees in five London boroughs) welcomed the changes in the administration and procedures, in particular the opportunity to have more control of licensing in their locality. Overall respondents did not report major problems or difficulties arising from the new arrangements and the extension of hours. However, the report recognised that it was still too early in the process to draw firm conclusions.

**Pike, S., O'Shea, J. and Lovbakke, J.** (2008) *Early experiences of the Licensing Act 2003 in the East of England and Yorkshire and the Humber regions*. Home Office Research Report 05. London: Home Office.

117. In addition to the national evaluation, and related local evaluations (Hough et al., 2008), this report summarises the findings of two smaller regional studies which provide an early indication of post-legislative changes in those areas.

118. Overall findings reflected the national evaluation: there seemed to be little impact in the first six months post-implementation. There was no evidence of increases in alcohol-related crime and disorder but some temporal shift in incidents. Also "feedback from key stakeholders indicated that the perceived changes experienced in terms of workloads, the sale of alcohol, and levels of crime and disorder had been smaller than perhaps expected."

**El-Maaytaha, M., Smith, S.F., Jerjesa, W., Upile, T., Petrie, A., Kalavrezosa, N., Ayliffe, P., Newman, L., Hoppera, C. and Lloyd, T.** (2008) The effect of the new "24 hour alcohol licensing law" on the incidence of facial trauma in London. *British Journal of Oral and Maxillofacial Surgery*. Volume 46(6), pp. 460-463.  
doi:10.1016/j.bjoms.2008.01.018

119. This analysis of attendances for head and neck trauma secondary to alcohol-associated assaults at A&E in University College Hospital, London, showed a reduction in the number of cases in the six months after implementation compared with the six months before. Within the post-implementation period, there were fewer cases in each corresponding month. Neither rainfall nor temperature had any influence on the results.

**Kirby, S. and Hewitt, L.** (2011) The impact of the Licensing Act 2003 on drinking habits, offences of crime and disorder, and policing in England's newest city. *Safer Communities*, Volume 10(1), pp.31 – 38. doi: 10.5042/sc.2011.0041

120. Through interviews with police officers, licence holders and paramedics, this study considered how the LA2003 was implemented in Preston and outlines the changes that have occurred in the five years post-implementation. Findings showed that consumers were more likely to 'preload' prior to leaving home, that drinking and associated crime patterns have extended into the early hours of the morning, and that incidents of alcohol-related crime have reduced.

## 7. Assessment of the Licensing Act 2003

### Background

121. The LA2003 is divided up into nine parts, with eight schedules. Each part sets out a discrete element of the licensing framework. Aspects of the LA2003 have evolved since 2005. Amendments have taken place to maintain the balance between rights and responsibilities; including by deregulation. However, the licensing objectives have not changed. The various amendments made have been implemented to ensure the LA2003 remains effective and the licensing objectives supported. What follows is a description of the application and evolution of the LA2003. This addresses changes which have been brought in through subsequent Acts. This section of the memorandum will therefore highlight the evolution of the **LA2003 in practice**.

122. At the end of this section of the memorandum, a **broad analytical picture** is presented to indicate the effects of the LA2003. This presents trend data on crime and licensing activities to chart changes in behaviours and practices associated with the LA2003. Detailed descriptions set out how the LA2003 has been applied. This highlights how it has been received and what benefits it has generated for: communities; the licensed trade; Licensing Authorities; and partner agencies.

### The LA2003 in Practice

#### *The LA2003 as part of a coherent overall framework*

123. Firstly, it should be highlighted that the LA2003 is used effectively in conjunction with other interventions as part of a coherent national and local strategy. For instance, the Government's Modern Crime Prevention Strategy in 2016, described how local communities, services and businesses are best placed to tackle alcohol-related issues in their area and enforce the behaviour and develop the cultures that they want. Significant measures have been taken to create local delivery landscapes best positioned to approach crime, policing and health. Directly elected Police and Crime Commissioners (PCCs), brought into effect by the Police Reform and Social Responsibility Act 2011, ensure the public's priorities drive local police force activity and hold chief constables to account on action taken locally. As well as their core policing role, PCCs have the remit to cut crime and anti-social behaviour, and to do so in collaboration with other local leaders. These local structures provide mechanisms to ensure that the needs of all populations, and all issues, are considered, from the health of the population through to community safety and the needs of offenders or those dependent on alcohol.

### Part One – Licensable Activities

124. The key principles of what comprises a licensable activity have remained applicable and appropriate, and it has not been necessary to amend part one through primary legislation. The subsequent parts of the LA2003 and the

measures these contain, have either endured or been subject to amendment to uphold these activities.

125. The three types of authorisation (section 1) replaced the justices' licences that differentiated between premises selling alcohol for consumption on and off the premises, and the club registration certificate of the Licensing Act 1964. The provisions of the LA2003 on authorisations represent a considerable consolidation and streamlining. It enabled businesses to apply for a single premises licence to cover all the licensable activities that they wished to engage in. As a result, the number of forms for applications, giving notice and various other purposes was reduced from 174 to 20<sup>2</sup>. As of May 2016 this number had risen slightly to 26. The marginal increase reflects new requirements such as the form required to apply for a minor variation to a premises licence or club premises certificate.

126. The intention that the LA2003 would deliver greater choice for consumers by making it easier for operators to provide a wide range of leisure options within a single premises has been realised. In a submission to the Culture, Media and Sport Committee's review of the LA2003 in 2008/09, the Association of Licensed Multiple Retailers (ALMR) pointed to the fact that the move to a single premises licence for multiple licensable activities had encouraged the development of hybrid businesses, with adaptable social spaces which provide a number of services (morning coffee, food, alcohol and entertainment) within the same venue<sup>3</sup>. The trend noted by the ALMR in its submission towards a "...seated operation in which food is as important as alcohol sales" has continued. Data provided to the Home Office by CGA Strategy shows an increase of around 7,600 in food focused venues (from 36,900 to 44,500) and a decrease of 23,000 in drink focused venues (from 85,000 to 62,000) between 2006 and 2016. Over the same time period 80% of new openings (net between 2006 and 2016) have been food focused.

127. The Department of Culture Media and Sport Evaluation of the Impact of the LA2003 in March 2008 reported concerns from circuses and travelling theatre companies about the additional expense of the consolidated licensing regime and its effects on length of stay at a site, choice of location and flexibility when a site became unavailable at short notice. The Secretary of State's guidance to Licensing Authorities had encouraged local authorities to seek their own premises licences for public spaces such as parks and community halls so that performers and entertainers would then have no need to obtain a licence or give a Temporary Event Notice themselves. Significant progress was reported in this area; a survey of circuses suggested that 20% of their performances were on publicly licensed land<sup>4</sup>. The Police Reform and Social Responsibility Act 2011 extended the duration limit of a Temporary Event Notice from 96 to 168 hours so that circuses and other entertainments performing in one place for five to seven days would need to issue only one Temporary Event Notice. These measures combined appear to have been successful as problems for travelling entertainers have not been raised with the Home Office in recent years.

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<sup>2</sup> Appendix C, Lifting the Burden: Improving and Realising Community Capacity, DCMS, December 2006.

<sup>3</sup> Ev.65, House of Commons Culture, Media and Sport Committee, The Licensing Act 2003, Sixth Report of Session 2008–09.

<sup>4</sup> Page 37, Evaluation of the Impact of the Licensing Act 2003, DCMS, March 2008.

128. The LA2003's definition of licensable activities and the three types of authorisations have not required amendment and no issues relating to the licensable activities and the authorisations have been raised during the Home Office's regular engagement with partner agencies.

129. In 2007 the Department of Culture Media and Sport estimated that the cost of the licensing regime (excluding the costs of transition, fees and compliance with licence conditions) was £83.9 million a year. The administrative burden of the old licensing regime was £183.2 million a year. It was therefore estimated that the LA2003 was delivering a saving of £99.2 million a year.<sup>5</sup> It was agreed in the Police Reform and Social Responsibility Act 2011 that locally set fees should be introduced. This has yet to be implemented as evidence is required to determine how much the licensing process costs. The Home Office has therefore commissioned the Local Government Association to survey Licensing Authorities to establish the present cost of the licensing regime.

130. This Part of the LA2003 has achieved its expected benefits in terms of streamlining and consolidating the licensing regime and of making it easier for operators to provide a wide range of leisure options within a single premises.

## Part Two – Licensing Authorities

131. A number of changes to how Licensing Authorities are able to make licensing decisions have been made since 2005. What has not changed is that Licensing Authorities must carry out their functions with a view to promoting the licensing objectives.

132. The Police Reform and Social Responsibility Act 2011 made Licensing Authorities responsible authorities in their own right. This gave the Licensing Authorities greater powers to refuse licence applications or call for a licence review without requiring representations from responsible authorities, such as the police. Equally, the evidence requirements for licensing decisions were adjusted to support decisions which are appropriate for, rather than necessary for, the promotion of the licensing objectives

133. In *Responses to the Consultation: 'Rebalancing The Licensing Act'*<sup>6</sup> it was acknowledged that criticisms were raised during the consultation that a proposed extension of the involvement of residents in licensing decisions could lead to an increase in frivolous and vexatious representations. However, many respondents welcomed greater community involvement in the licensing process. In line with the aim of extending community involvement, the Police Reform and Social Responsibility Act 2011 removed a requirement to reside in the vicinity of licensed premises in order to make representations about it. This has ensured that the vulnerable and those requiring others to represent on their behalf, can have a view put forward.

134. Section 5 requires each Licensing Authority to produce a statement of licensing policy once every five years. The Licensing Authority is expected to consult widely to develop the policy. The content of a statement of licensing

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<sup>5</sup> Page 38, *ibid.*

<sup>6</sup> Responses To Consultation: Rebalancing The Licensing Act, Home Office 2010

policy is not defined by the LA2003. However, the Guidance issued under section 182 of the LA2003 provides comprehensive guidance on the development, principles and content of the statement of licensing policy. The value of the statement of licensing policy is that it sets the Licensing Authority's approach to the promotion of the licensing objectives and puts that approach in the context of other local regimes and strategies. In so doing it provides valuable information to both existing licensed premises and potential licence applicants. It helps to inform the general public about the legal framework that the Licensing Authority operates within and of the measures that will be taken to ensure that licensed premises are well regulated. It is also an opportunity for the Licensing Authority to set out special policies such as a cumulative impact policy or staggered closing times in a document that a magistrates' court must have regard to when considering an appeal against a decision of the authority. Section 5(4) requires that the policy is kept under review and revised as necessary.

135. The Police Reform and Social Responsibility Act 2011 changed the frequency at which statements of licensing policy must be revised and published from three to five years. This was to reduce the administrative burden on Licensing Authorities and businesses who would be required to respond to the consultation. It also added a provision that enables a policy to be reviewed within that five year period.

136. On the basis of the measures taken to strengthen the role of the Licensing Authority, and the effectiveness of the incentives to drive effective local alcohol strategies, there are no current plans to make changes to Licensing Authorities or their duties.

### **Part Three – Premises Licences**

137. The new premises licence under the LA2003 did much to streamline the system and consolidate the various types of licence, with the onus on local Licensing Authorities to impose conditions on a case-by-case basis to ensure the promotion of the licensing objectives. Under section 26 premises licences remain valid indefinitely unless the licence is revoked, surrendered, or specifies that it only has effect for a limited period.

138. The new form of premises licence is generally seen as a successful development which has reduced bureaucracy and boosted the licensed trade. There are concerns from some sectors such as health groups and the hospitality industry that the new system has encouraged the increase of off-licences at the expense of local pubs; and that such changes are responsible for increased risks to public health. The number of licences for sales of alcohol on the premises only has increased from 33,000 in 2007, to 37,700 in 2014. Similarly off-sales premises licences have also increased from 44,400 in 2007 to 52,400 in 2014. However the fears that increased consumption and widespread crime and disorder and public nuisance would result from the LA2003, have not materialised (as evidence by the data earlier in this memorandum).

139. To make sure the process for, and oversight of, licensed premises remains effective, a number of updates and amendments have been made. The Police Reform and Social Responsibility Act 2011 (mostly brought into force in 2012) introduced key changes to the application process, including:

- Licensing Authorities were made responsible authorities in their own right which gave them greater powers to refuse premises licence applications or call for a licence review without requiring representations from other responsible authorities, such as the police;
- The evidential threshold was lowered for Licensing Authorities when making licensing decisions by requiring that decisions must be 'appropriate' rather than 'necessary' for the promotion of the licensing objectives;
- Greater opportunities were introduced for local residents or their representative groups to be involved in licensing decisions by removing restrictions on who can make a representation (the vicinity test); and
- The changes enabled more involvement of local health bodies in licensing decisions by designating health bodies as a responsible authority (to improve the use of relevant health data to support decisions on the four licensing objectives).

140. Amendments have been made to target practices which might otherwise magnify the negative effects of alcohol on the licensing objectives. Section 19A now provides a power for the Secretary of State to impose up to nine mandatory conditions. The mandatory conditions were introduced by the Mandatory Licensing Conditions Order in 2010 to reduce irresponsible drinking. These were considered of such importance to the promotion of the licensing objectives that they apply to all relevant premises that supply alcohol. Currently there are five in place, which together form the mandatory code. These are:

- A ban on irresponsible promotions, including provision of unlimited quantities of alcohol for free or for a fixed or discounted fee and provision of free or discounted alcohol dependent on the outcome of a sporting event;
- A requirement to provide free, potable water on request to customers;
- A requirement to make available and display to customers small measures such as half pints of beer or cider or 125ml glasses of wine;
- A requirement to have an age verification policy to prevent the sale of alcohol to persons under 18 years of age; and
- A ban on alcohol sales below the cost of duty plus VAT.

141. Ensuring that there is an adequate system for the review of premises licences is fundamental to the integrity of the LA2003. Sections 51-53 cover arrangements for reviews of premises licences. Where a premises licence is already in operation, Responsible Authorities and any other person are entitled to apply to the relevant Licensing Authority for a review of the licence.

142. The changes made to the LA2003, as outlined here, have provided a balance between the interests of communities and the licensed trade.

#### **Part Four – Clubs**

143. Amendments made to this part of the LA2003 mirror those made to the process governing premises licences. Designed to uphold the licensing objectives, the changes have ensured that the LA2003 continues to be effective overall. As examples:

- a. Sections 86A, 86B and 86C were added by the Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009/1772 to streamline the variation process where the proposed change could have no adverse effect on the promotion of any licensing objective.
- b. Section 87 concerns application for review. This was amended by the Police Reform and Social Responsibility Act 2011 to allow a responsible authority or any other person to apply.

144. Data indicates that there has been a decrease in the number of members' clubs. On 31 March 2014 there were 15,400 club premises certificates for the supply of alcohol or late night refreshment (Table 1 Annex A), a decrease of about 2,200 since 2007. On 31 March 2014 there were 11,800 club premises certificates for regulated entertainment, a decrease of around 1,900 since 2008 (Table 3 Annex A). There is no one single explanation for the decrease in the number of members clubs. It is not possible therefore to identify link with the LA2003.

### **Part Five – Permitted Temporary Activities**

145. TENs replaced and streamlined the various temporary permissions that were available before the introduction of the LA2003, such as occasional permissions, occasional licences, special hours' certificates and temporary public entertainment licences. However, the system of permitted temporary activities was modernised further through the Police Reform and Social Responsibility Act 2011 following the 'Rebalancing the Licensing Act' consultation in 2010. The changes were put in place so that a number of loopholes that existed at the time could no longer be exploited. This addressed concerns raised by the Culture, Media and Sport Committee in its report on the LA2003 published in May 2009 (Annex B lists the responses to the Committee's recommendations).

146. The changes:

- Extended the right to object to a TEN to the environmental health authority (previously only the police could object);
- Allowed the police and environmental health officers to object to a TEN on the basis of all of the licensing objectives, not just crime and disorder;
- Gave the police and environmental health officers three working days to object to a TEN instead of only two; and
- Gave Licensing Authorities the discretion to apply existing licence conditions to a TEN.

147. In order to ease the regulatory burden on businesses, these regulatory changes were balanced by:

- Allowing late TENs (i.e. those submitted less than ten and up to five working days before the beginning of the event), unless the police or environmental health authority object which means the activities to be authorised are not allowed to take place and there is no hearing; and

- Relaxing the statutory limits on the duration of a single temporary event from 96 hours to 168 hours and extending the total permitted cumulative period covered by TENs at a single premises from 15 days to 21 days per year.

148. The most recent change to TENs was brought in by the Deregulation Act 2015. This raised the limit on the number of temporary events that can be held at single premises from 12 to 15 per year (from January 2016) in order to increase flexibility for community groups and businesses. This change is expected to save businesses and community groups around £0.2m per year (2009 prices).

149. TENs have been broadly welcomed by the trade and the public as a simple, light touch way to hold events at which temporary licensable activities can be authorised. The recent changes have been welcomed by people who make regular use of TENs. In particular the increase in duration has been welcomed by travelling theatre groups and circuses and the increase in the limit has been welcomed by the licensed trade who make the most regular use of TENs; for example to extend their opening hours on special occasions, such as late night sporting events.

150. Overall it is considered that the system for permitted temporary activities is functioning as expected. The new system is more streamlined than its predecessors, more light touch and simpler to understand. Uptake of TENs has been consistent with over 133,200 valid TENs given in 2011/12, 139,300 in 2012/13 and 132,200 in 2013/14 (Home Office, 2014). The latter included around 20,000 valid late TENs, up from 15,000 in 2012/13 (Home Office, 2013).

151. There are also very few TENs withdrawn (around 1% in 2013/14), or rejected (less than 1% in 2013/14). The proportion of TENs received by Licensing Authorities in 2013/14 which had been modified with consent of the premises user was around 3% (Home Office, 2014).

152. The figures show that with the intended light touch nature of the temporary events system, only those TENs which clearly pose a risk are being rejected. The TENs process therefore strikes the right balance between creating opportunities for businesses and individuals to hold events while protecting the public. Following commitments made in the Government's Red Tape challenge in 2011 to reduce burdens on responsible businesses and community groups, the Government at the time consulted on ways to free up responsible businesses from unnecessary burdens of the licensing regime and support local growth while continuing to tackle and prevent alcohol related harms.

153. This considered ways to help small businesses and community groups, who wish to sell regular, small quantities of alcohol. As of May 2016, these are subject to the same requirements as businesses which sell much larger quantities, such as bars and off-licences. These groups have indicated that the requirements of the licensing regime are disproportionate in view of the low risk, low volume nature of the sales they wish to make. Such groups currently have the choice of having to either obtain multiple Temporary Event Notices at £21 each time or resort to applying for a premises licence.

154. In response, the Government has created a new, light touch authorisation under the LA2003, called a Community and Ancillary Sales Notice. This will help

community groups and small accommodation providers to sell alcohol in limited circumstances as a minor part of the service they already provide. The provisions for this new authorisation have been inserted as Part 5A of the LA2003 through the Deregulation Act 2015. As of May 2016, this has yet to be commenced.

## **Part Six – Personal Licences**

155. In 2013 a consultation was run on abolishing the personal licences regime and enabling local alternatives instead. The *Personal Alcohol Licences: Enabling Targeted, Local Alternatives* consultation (*'Personal Licences Consultation'*), ran from 12 September to 7 November 2013. The Government's response, published on 24 March 2014, announced that it would not abolish personal licences. Among the findings were that respondents largely thought that the system of personal licences provided a consistent standard of training, together with assurances on suitability by way of a Disclosure and Barring Service check. The number of personal licences has increased steadily from 292,900 at 31 March 2007 to 581,000 in 2014. However, it is not possible to determine how many of the licence holders continue to work in the trade. This is because licence holders do not need to return or cancel their licence should they no longer require it (i.e., retirement; career change).

156. Since April 2015, a personal licence, once granted, lasts indefinitely unless surrendered or forfeited by a court. This has delivered estimated savings of £2.9m saving per year to business. Section 69 of the Deregulation Act 2015 amended section 115 (1) of LA2003 so that the original 10 year duration of a personal licence was removed. The Deregulation Act 2015 also removed the requirement for holders of personal licences to notify the police when they had their licences lost or stolen. This deregulation has enabled estimated savings of £0.05m per year – shared across all types of licence.

157. At present, only a court can revoke a personal licence. A holder is under a duty under section 128 to notify a court that he or she holds a personal licence when charged with a relevant offence. The court may consider whether to revoke the licence of the holder and must notify the Licensing Authority of details. The only exception to this is under section 124 where a Licensing Authority can revoke a personal licence when it has become aware of a relevant or foreign offence that the personal licence holder was convicted of during the application period. A clause in the Crime and Policing Bill will provide Licensing Authorities with the power to revoke or suspend a personal licence where it comes to their attention that the holder has been convicted of a relevant offence. The bill also contains a provision to expand the list of relevant offences in schedule 4 of the LA2003, to include terrorism related offences, and sexual offences in accordance with those in the Sexual Offences Act 2003. These amendments will reinforce the personal licence as a key tenet of the licensing governance framework.

## **Part Seven – Offences**

158. These powers are complemented by a range of powers in other legislation, such as dispersal powers under the Anti-social Behaviour, Crime and Policing Act 2014, the offence of being drunk in a public place under the Licensing Act 1872, and the offence of being drunk and disorderly under the Criminal Justice Act 1967.

159. Section 146 makes it an offence to sell alcohol to a child. Age verification at the point of sale is a key element of preventing children from gaining access to alcohol and the “Challenge 21” and “Challenge 25” schemes are well established. Premises which operate these schemes advertise the fact that customers who appear to be under the age of 21 or 25 will be asked for ID before being served alcohol.
160. Section 147A, the offence of persistently selling alcohol to children, was inserted by the Violent Crime Reduction Act 2006. The offence was subsequently amended by the Policing and Crime Act 2009 to lower the threshold for this offence from three to two or more different occasions within a period of three consecutive months. The Police Reform and Social Responsibility Act 2011 doubled the maximum fine for this offence to £20,000. This was superseded by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 which made this an unlimited fine (with effect from 12 March 2015). This signalled the Government’s commitment to cracking down hard on irresponsible businesses that sell alcohol to children.
161. Proxy purchasing (buying alcohol on behalf of a person under the age of 18) is also an offence under the LA2003. Section 149 makes it an offence for someone to buy alcohol on behalf of a child under the age of 18, as well as an offence for a person under 18 to buy alcohol them self. This section also provides for test purchasing to be undertaken at the request of the police or a weights and measures authority. Test purchasing is an important enforcement tool within the LA2003. The number of prosecutions for the sale of alcohol to children is comparatively low. Premises found selling alcohol to children could be subject to a licence review, punitive action taken by the police, or prosecution.
162. Under section 141 of the LA2003 it is an offence to knowingly sell or attempt to sell alcohol to a person who is drunk, or allows alcohol to be sold to someone who is drunk. Many police forces and Licensing Authorities have indicated there are challenges in applying this law; given the difficulties in proving that the person selling alcohol was aware that their customer was drunk (or was buying the alcohol for someone else who was drunk).
163. However, police forces, Licensing Authorities and the licensed trade do recognise the importance of having the offence in legislation. This enables the police and enforcement bodies to draw specific attention to the offence and remind licensees of their responsibilities under the LA2003. Alongside this, in 2015 the British Beer and Pub Association (BBPA), in co-operation with the Home Office, worked alongside National Pubwatch and Drinkaware to create a poster campaign. This was designed for use by licensed premises to help raise awareness of the laws on buying alcohol for a drunk person, and knowingly selling alcohol to a drunk person. The campaign also highlighted other measures such as: encouraging responsible drinking; giving those drinking in pubs a wider choice of lower strength drinks and smaller servings; and providing clear information about the number of units within alcoholic drinks.
164. The LA2003 includes sufficient sanctions to deter forms of criminality associated with the sale of alcohol. Particularly of note; it is a criminal offence to carry on, or attempt to carry on, a licensable activity on or from any premises

without an appropriate authorisation under the LA2003 (the penalty on conviction is an unlimited fine or six months imprisonment).

## **Part Eight – Closure of Premises**

165. Closure orders under section 161 have been repealed and replaced by the closure power under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, which commenced on 20 October 2014. This new closure power was designed to provide the police or local authority with new, simpler powers, consolidating four of the powers that were previously available to them (specifically the Anti-social Behaviour Premises Closure Power, the Crack House Closure Power, the Noisy Premises Closure Order and the s.161 Closure Order). The intention was to make it easier to issue a notice to temporarily close any property, for up to 48 hours if there is, or is likely to be, public nuisance. The police or local authority must apply to a magistrates' court if they wish to extend this beyond 48 hours.
166. In 2013/14 ten premises licence reviews were undertaken following closure orders under s.161 of the LA2003 (Home Office, 2014). Licensing statistics will continue to record the number of reviews undertaken following closure orders under s.80 of the Anti-social Behaviour, Crime and Policing Act 2014. It is too early to state the extent of the benefits resulting from the changes made under the Anti-social Behaviour, Crime and Policing Act 2014. However, there have been no concerns raised by partners (police, Licensing Authorities or licensed trade) in respect of the closure powers and use of both closure notices and closure orders introduced by the 2014 Act. The power for police and councils to take action in respect of imminent disorder directly contributes to the licensing objective of preventing crime and disorder. In fact the legal tests for use of the closure powers by the police and local councils go wider than just disorder and also cover nuisance behaviour.
167. Section 169A allows a police officer to issue a closure notice to a premises if there is evidence that a person has committed an offence under s.147A of persistently selling alcohol to children, in relation to the premises. The closure notice can prohibit the sale of alcohol for a specified period of time. The licensee may discharge their criminal liability for the alleged offence by the acceptance of the prohibition proposed by the notice. The length of time which a closure notice may apply was increased from a maximum of 48 hours, to a minimum of 48 hours and a maximum of 336 hours, via the Police Reform and Social Responsibility Act 2011 (with effect from 22 March 2012). A more detailed assessment of the impact of this amendment will be included in the post legislative scrutiny of the amending Act.

## **Part Nine – Miscellaneous**

168. This part of the LA2003 covers a number of miscellaneous issues. Focussed on here are those sections which are key to either the interpretation or application of the LA2003.

### **Section 172 licensing hours order**

169. Section 172 allows a blanket extension to licensing hours. Recent examples of where licensing hours have been extended include: the Royal Wedding in 2011; the Diamond Jubilee in 2012; the football World Cup in 2014; and in May 2016, Parliament approved a licensing hours order for the weekend of Her Majesty The Queen's official 90<sup>th</sup> birthday celebrations in June 2016. On each of these occasions the extension has been limited to 1am on the specified dates.
170. The process involves a significant degree of scrutiny; the Secretary of State is required to consult those persons he/she considers appropriate, and the order must be approved by both Houses of Parliament before it can be made. The licensing hours order does not allow police and Licensing Authorities to prevent individual premises from opening during the period of the extension, as they can with a TEN. This is deemed appropriate, given the degree of scrutiny applied to the licensing hours order.
171. Licensing hours orders allow the Government to reduce the burdens on licensed premises and Licensing Authorities where occasions are likely to result in a significant number of licensed premises wishing to use a TEN to extend their licensed hours. This saves each premises £21 and since each premises may use a limited number of TENs per year, it 'saves' one of those TENs. The impact assessment for the Diamond Jubilee licensing hours order estimated the saving to business to be between £240,000 and £480,000 as a result of not having to pay the fee for a TEN. Businesses which took advantage of the licensing hours orders will also have benefitted from increased profits as a result, although the Government has not attempted to calculate this benefit. There is no way of knowing how many premises take advantage of the order and remain open later.
172. It is difficult to assess any additional policing costs as a result of licensing hours orders. Impact assessments have been published for the Orders for the Diamond Jubilee and the World Cup 2014; neither of these attempted to monetise the cost to police forces.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/157847/jubilee-impact-assessment.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157847/jubilee-impact-assessment.pdf)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/299272/WorldCupImpactAssessment.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299272/WorldCupImpactAssessment.pdf)

173. There is no evidence to suggest that there has been an increase in crime and disorder during the period of extended licensing hours. Each of the Orders have been seen as a success by the licensed trade, with the Local Government Association and the police not perceiving them as undermining the safeguards in the licensing system.

### ***Early Morning Alcohol Restriction Order (EMRO)***

174. The introduction of an EMRO may have far-reaching, wider impacts on the socio-economic circumstances in an area; and therefore a decision to introduce an EMRO must be reasonable, justified and proportionate. The process to introduce an EMRO involves a thorough consideration of whether the introduction of an EMRO is the appropriate step to take. There are many steps which should be taken before an EMRO is considered, such as reviewing the licences of specific problem premises or considering a cumulative impact policy. To date, no Licensing Authorities have yet introduced an EMRO.
175. However, in 2013/14 several Licensing Authorities consulted on EMRO proposals, including Blackpool, Norwich, Hartlepool, and the London boroughs of Lambeth and Harrow. Feedback from these Licensing Authorities suggested that EMROs were seen as too onerous to implement as it required evidence gathering, running a public consultation (three months) and conducting hearings. As a result of the feedback, the Home Office amended the secondary legislation in October 2014 to reduce burdens on Licensing Authorities by allowing notices to be sent in electronic formats and allowing limited modifications to proposals after consultation. The guidance was amended at the same time to provide detailed advice on the evidential requirements. These changes were intended to assist Licensing Authorities while keeping in place a robust process for considering and implementing an EMRO.

### ***Section 182 Guidance***

176. The s.182 guidance helps to ensure a consistent and proportionate application of licensing powers across England and Wales. This guidance was first published in 2004 and has been updated on 12 separate occasions. The guidance will next be updated to reflect amendments made to the LA2003 via the Immigration Act 2016 and the Policing and Crime Bill, as well as to incorporate the supplementary guidance on summary reviews and late night refreshment licensing. Maintaining up-to-date guidance has been crucial to ensuring that its interested audience are informed and aware of the LA2003 requirements.
177. In 2012 the guidance underwent a substantial revision alongside the work that was done to 'rebalance' the LA2003 through the amendments made in the Police Reform and Social Responsibility Act 2011.
178. Section 4 of the LA2003 states that in carrying out its functions, a Licensing Authority must 'have regard to' the guidance issued under section 182. However, Licensing Authorities may depart from it if they have good reason to do so and can provide full reasons. The guidance does not override the obligations of the LA2003 or any other legislation, and the guidance does not in any way replace the statutory provisions of the LA2003 or add to its scope, and interpretation of the LA2003 is ultimately a matter for the courts.
179. Licensing Authorities rely on the guidance to a large degree. The licensed trade is also very interested every time the guidance is revised and often requests that a consultation is undertaken before revised guidance is issued. However, changes to the guidance are usually factual legislative changes and

consultation is not required. The Home Office regularly works with the Local Government Association and Institute of Licensing to ensure that the guidance is clearly written, fit for purpose, and covers what Licensing Authorities need to know.

### ***Interpretation – Meaning of Alcohol***

180. Section 191 of the LA2003 provides a definition of alcohol for the purposes of the LA2003 as “*spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor*”, and lists some exemptions. A change is proposed in the Policing and Crime Bill, currently before Parliament, to amend the definition to include alcohol *in any state*. There are concerns that the definition could be interpreted in such a way that powdered alcohol may fall outside it. If this were the case, powdered alcohol could be sold without a licence, and criminal offences such as the sale of alcohol to children would not apply. Although powdered alcohol is not currently available to buy in the UK, it is possible it could be on sale in the future. This is a pre-emptive move by the Government to ensure there is no ambiguity.

### **Schedule One – Regulated Entertainment**

181. The LA2003 aimed to create an environment in which all such activities deemed licensable could be administered under a single regime.

182. The LA2003 details the entertainment activity types that are currently regulated in Part 1 of Schedule 1, which can be modified by secondary legislation:

- a. a performance of a play;
- b. an exhibition of a film;
- c. an indoor sporting event;
- d. a boxing or wrestling entertainment;
- e. a performance of live music;
- f. any playing of recorded music;
- g. a performance of dance; and
- h. entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

183. More generally, to be licensable, one or more of these activities needs to take place in the presence of an audience and be provided for the purpose (at least partly) of entertaining that audience; has to be held on premises made available (at least partly) for the purpose of enabling that activity; and must also either be public in nature or, where that activity takes place in private, be the subject of a charge made with a view to profit. In addition, certain activities are licensable only to the extent that certain conditions are met - for example, as to the size of the audience or the timing of the activity.

184. The LA2003 (Descriptions of Entertainment) (Amendment) Order 2013 (“2013 Order”) partially deregulated plays, performances of dance and indoor sporting events, and came into force on 27 June 2013. It also amended the LA2003 to make clear that combined fighting sports (like Mixed Martial Arts) were boxing or

wrestling entertainments rather than indoor sporting events for the purposes of the LA2003.

185. As a result of amendments to the LA2003 by the Live Music Act 2012 and the 2013 Order, no licence was required for the following activities to the extent that they take place between 8am and 11pm on any day:

- a. a performance of a play in the presence of an audience of no more than 500 people;
- b. an indoor sporting event in the presence of an audience of no more than 1,000 people;
- c. a performance of dance in the presence of an audience of no more than 500 people; and
- d. live music, where the live music comprises:
  - i. a performance of unamplified live music;
  - ii. a performance of live music (whether amplified or unamplified) in a workplace with an audience of no more than 200 people; or
  - iii. a performance of live music on relevant alcohol licensed premises which takes place in the presence of an audience of no more than 200 people, at a time when the premises are open for the purpose of being used for the supply of alcohol for consumption.

186. The Legislative Reform (Entertainment Licensing) Order 2014 amended section 177A of, and Schedule 1 to, the LA2003 to deregulate certain types of regulated entertainment in defined circumstances, as summarised below.

- a. The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises between 8am and 11pm on the same day, with no audience limit.
- b. Live music in relevant alcohol licensed premises and workplaces
- c. The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 8am and 11pm on the same day was raised from 200 to 500.
- d. Recorded music in relevant alcohol licensed premises
- e. Any playing of recorded music in relevant alcohol licensed premises (on a conditional basis) when it takes place between 8am and 11pm on the same day for audiences of up to 500.
- f. Live and recorded music exemptions
  - i. A performance of live music or any playing of recorded music on local authority, health care provider or school premises if it is organised (with permission) by a third party and takes place between 8am and 11pm on the same day for audiences of up to 500.
  - ii. Community premises not licensed to supply alcohol in relation to live and recorded music between 8am and 11pm on the same day for audiences of up to 500.
- g. Travelling circuses in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment takes place between 8am and 11pm on the same day, with no audience limit.

- h. Greco-Roman and freestyle wrestling taking place indoors between 8am and 11pm for audiences of up to 1,000 people.
- i. An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the LA2003).

187. Section 76 of the Deregulation Act 2015 deregulated the exhibition of film in community premises.

188. The LA2003, as amended by the LMA 2012, the 2013 and 2014 Orders, and the Deregulation Act 2015, has been effective in balancing the wider public interest and potential impacts on individual citizens. These amendments have removed unnecessary burdens for lower risk entertainment activities which might otherwise hamper cultural and community creativity, and helped ensure businesses, particularly small businesses, are not prevented from diversifying. The combination of the LA2003 regime and other laws (eg: the Health and Safety at Work etc Act 1974, the Environmental Protection Act 1990, and the Regulatory Reform (Fire Safety) Order 2005) together creates a sensible and proportionate framework within which valuable social activities can thrive, but are also subject to proper oversight that allows the imposition of control and even prohibition where necessary.

189. Over time the LA2003 should lead to an increase in attendance at live entertainment, providing a further boost to the cultural and creative industries, as well as significant enjoyment and social benefit for the general population.

## **Schedule Two – Provision of Late Night Refreshment**

190. The Government acknowledges that the controls of the licensing system may not be needed everywhere for every type of late night refreshment business. The Government therefore decided to give Licensing Authorities greater discretion to decide what is appropriate in their area and the LA2003 was amended via the Deregulation Act 2015 to give Licensing Authorities the power to opt to exempt supplies of late night refreshment from the licensing requirements. The powers allow a relevant Licensing Authority to exempt the supply of late night refreshment if it takes place:

- On or from premises which are wholly situated in a designated area;
- On or from premises which are of a designated description; or
- During a designated period (beginning no earlier than 11pm and ending no later than 5am).

191. The designated area may be any area defined by the Licensing Authority, and the times may be set by the Licensing Authority. When choosing to designate particular categories of premises as exempt, a Licensing Authority can only exempt types of premises set out in regulations.

192. These changes took effect in October and November 2015 and it is too soon to judge what impact these have had. Guidance published by the Home Office in November 2015 on the changes encourages Licensing Authorities to consider deregulation where appropriate.

193. The impact assessment published alongside the Deregulation Act estimated a saving to business of £0.34m per year.

## Broad Analytical Picture

194. There is a wide range of indicators available which describe trends related to alcohol over the relevant time period which can inform a review of the impact of the LA2003. However, it is not possible to say with any certainty whether any of the changes in alcohol-related trends took place due to the implementation of the LA2003. This is because it is not possible to say what would have happened without the licensing changes, or to what extent other factors may have influenced trends.

195. As described previously (see 'Previous Reviews of the Licensing Act 2003'), most statistical indicators and previous reviews of the LA2003 suggested that the LA2003 had no negative impact, in that indicators have fallen, or have not risen as some commentators expected them to (e.g. increases in alcohol-related violence with extended opening hours). So, while it is impossible to say whether any changes in relevant indicators can be attributed in any way to the LA2003, the available statistics constitute some evidence that the licensing changes have not had a significant negative impact.

196. However, as these changes have taken place in the general context of falling alcohol consumption and levels of violence over the past decade, it is not possible to state categorically that indicators would not have fallen faster without the change in legislation.

197. The indicators that follow are considered most relevant to the licensable activities and the licensing objectives of the LA2003. Not all the indicators cover the same time periods but where possible comparisons are made with 2005 (the calendar year before implementation of the LA2003 in November 2005) or 2004/05 (the financial year before implementation). Any earlier trends are provided in addition to provide context for the general direction of travel of indicators before the LA2003 was implemented.

198. The most relevant source of statistics on licences has been collected by DCMS/Home Office to be able to continually monitor licences since the implementation of the LA2003. Responsibility for alcohol and entertainment licensing statistics moved to DCMS in 2001. Prior to the LA2003, statistics on 'liquor licensing' were routinely published (excluding entertainment licensing); some trends are available from 1900 to 2004 (DCMS, 2004). With the implementation of the LA2003 in 2005, a new National Statistics collection began from 2006/07 (DCMS, 2014; 2013; 2012; 2011; 2010a; 2010b; 2007 (see References at Annex A)).<sup>7</sup> From 2011, responsibility for data collection moved to the Home Office (Home Office, 2014; 2013; 2012).<sup>8</sup>

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<sup>7</sup> It is not possible to make comparisons with series prior to 2006/07 due to changes in collection methods and coverage of different statistics. Changes in legislation and acts over time may have influenced the figures, for example the Live Music Act 2012. Data were not collected for 31 March 2011 or 31 March 2015 to reduce burden on licensing authorities.

<sup>8</sup> See the User Guide to Alcohol and Late Night Refreshment Licensing Statistics for more information: <https://www.gov.uk/government/statistics/user-guide-to-alcohol-and-late-night-refreshment-licensing-statistics>

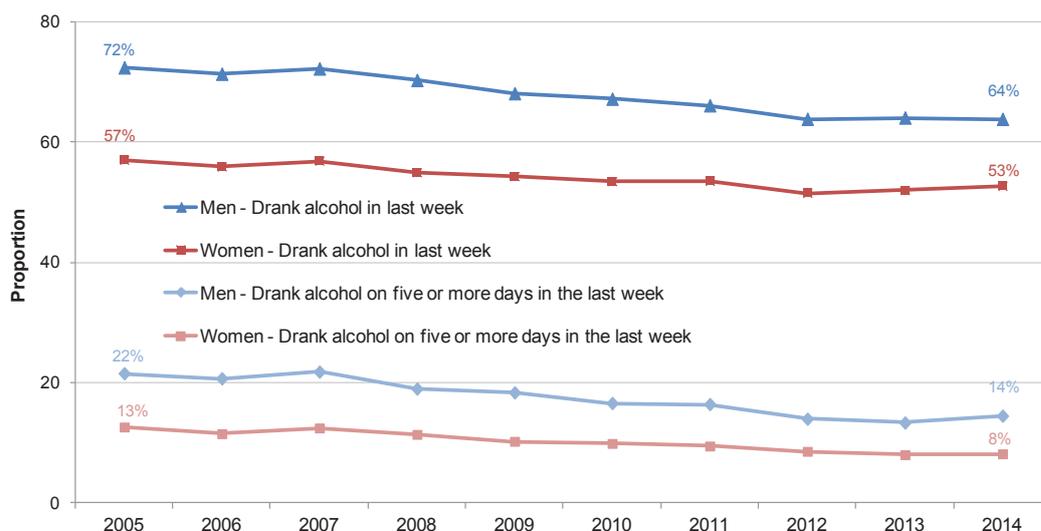
199. All these data are collected in different ways and cover different populations (e.g. general population surveys do not include institutions, such as halls of residences, data on offences and outcomes relate to levels of enforcement activity). As such, each are described individually and any interactions between the indicators are not investigated here. Further details relating to the indicators are available from their primary publications – see References.

200. The indicators are set out by: Consumption and availability; Crime and Disorder; and Enforcement. Enforcement highlights the measures taken to ensure the objectives of the LA2003 are continually managed and adhered to.

## Consumption and availability

201. Available data suggests that licensing reform has not been accompanied by an increase in **alcohol consumption**. A comparable trend from a general population survey shows that the proportion of men or women drinking in the last week, or on five or more days in the last week, has fallen since the implementation of the LA2003 (Figure 1; ONS, 2016).<sup>9</sup>

**Figure 1: Proportion and frequency of people aged 16 or over who drank alcohol in the last week, Great Britain, 2005 to 2014**



1. Estimates for 2005 cover a financial year rather than calendar year.

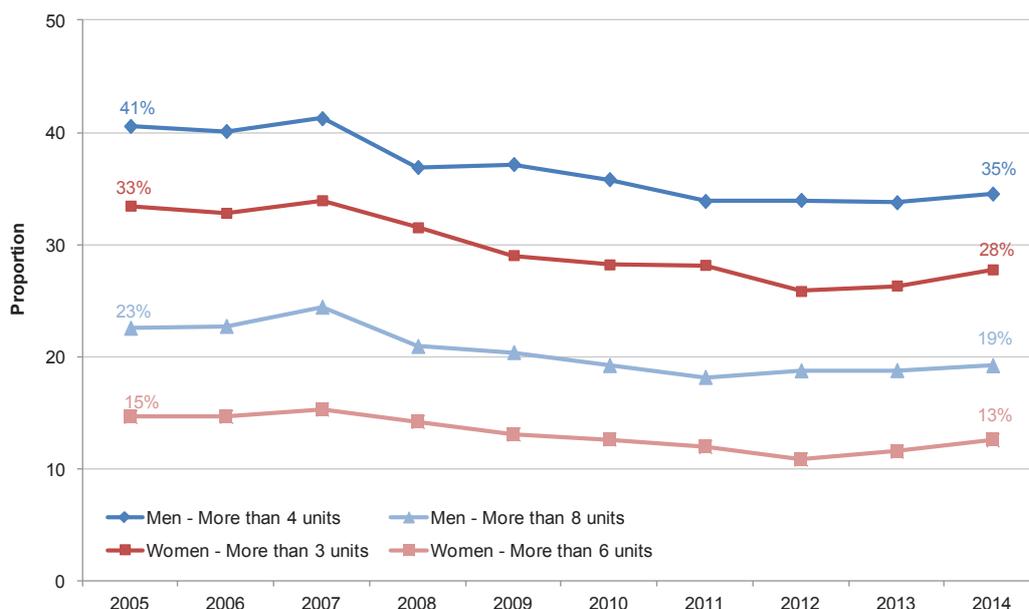
Source: Office for National Statistics

<http://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/drugusealcoholandsmoking/bulletins/opinionsandlifestylesurveyadultdrinkinghabitsingreatbritain/2014>

202. The survey also shows that since 2005 the amount drunk on the **heaviest drinking day** in the last week has fallen, although the decline has slowed in recent years (Figure 2; *ibid.*).

<sup>9</sup> Since 2012 these figures are from the Opinions and Lifestyle Survey but are comparable with previous figures from the General Lifestyle Survey; the method used to calculate units changed from 2005.

**Figure 2: Amount of alcohol drunk by people aged 16 or over on heaviest drinking day in the last week, Great Britain, 2005 to 2014**



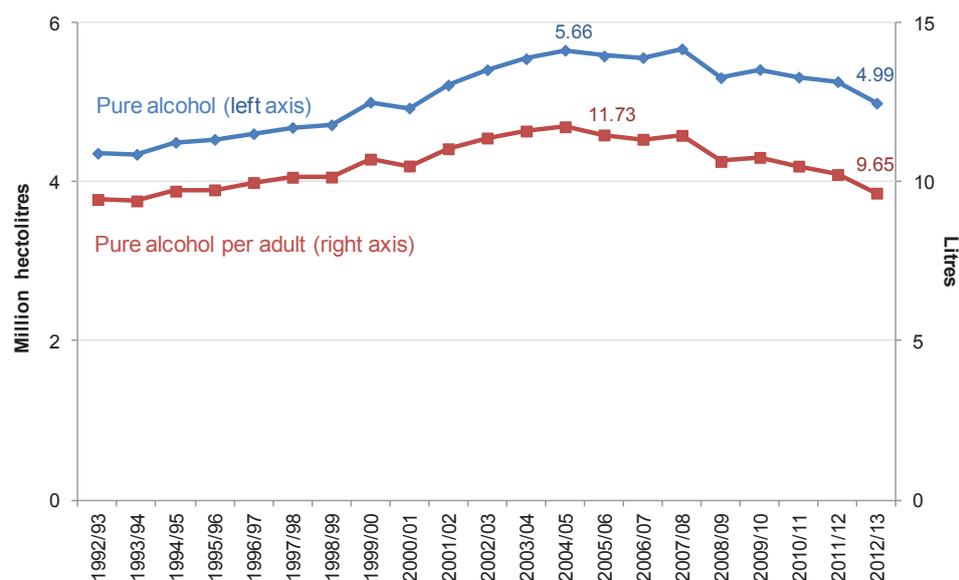
1. Estimates for 2005 cover a financial year rather than calendar year.

Source: Office for National Statistics

<http://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/drugusealcoholandsmoking/bulletins/opinionsandlifestylesurveyadultdrinkinghabitsingreatbritain/2014>

203. Her Majesty's Revenue and Customs (HMRC) data refer to all **alcohol that has been cleared**, after duty, by HMRC for consumption in the UK.<sup>10</sup> There has been a fall in the number of litres of pure alcohol cleared per adult from a peak of 11.73 litres in 2004/05 to 9.65 litres in 2012/13 (Figure 3; HMRC, 2013). The overall volume of pure alcohol clearances has also fallen, from 5.66 million hectolitres in 2004/05 to 4.99 million hectolitres in 2012/13 (latest available data).

**Figure 3: Total volume and per adult levels of pure alcohol clearances, UK, 1992/93 to 2012/13**



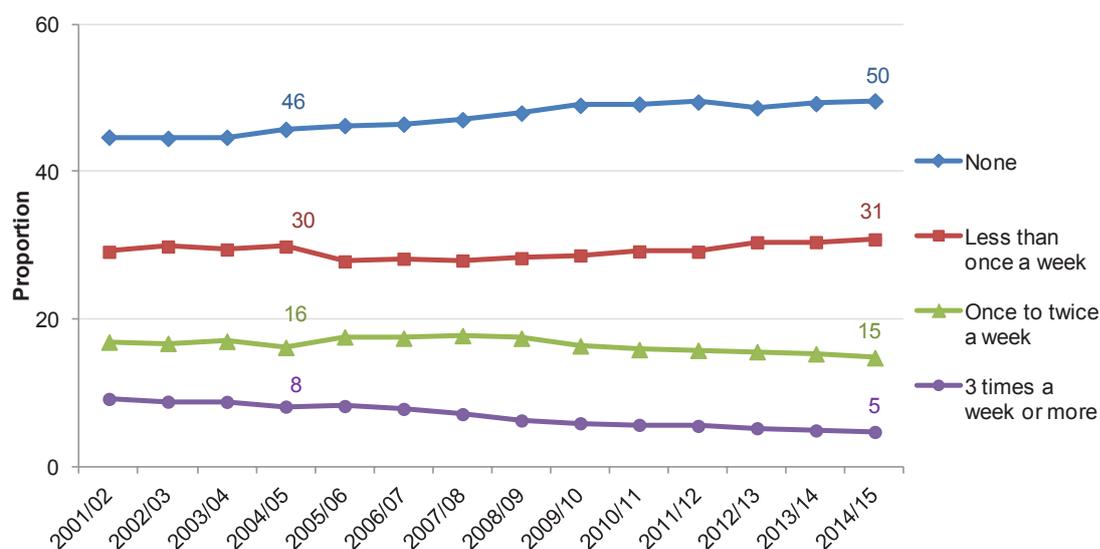
Source: HM Revenue & Customs <https://www.uktradeinfo.com/Statistics/Pages/TaxAndDutybulletins.aspx>

<sup>10</sup> 'Clearance' represents the total amount of alcohol which is 'released for consumption' or other alcohol on which tax (UK excise duty) has been paid.

204. According to the Crime Survey for England and Wales (CSEW) there has been a decline in **adults visiting a pub or bar** in the month prior to interview from 54% in 2004/05 to 50% in 2014/15 (Figure 4; not previously published).<sup>11</sup> This has been driven by a fall in adults visiting frequently (3 times a week or more): over the past decade this proportion fell from 8% to 5%.

205. The proportion of adults who had not visited a pub or bar has increased since the implementation of the LA2003 (from 46% in 2004/05 to 50% in 2014/15), generally in line with falling alcohol consumption. Similarly, the proportion of adults visiting a pub infrequently (less than once a week) has also risen slightly.

**Figure 4: Proportion of people aged 16 years or over who had visited a pub or bar in the month prior to interview, England and Wales, 2001/02 to 2014/15 CSEW**



Source: Office for National Statistics <https://discover.ukdataservice.ac.uk/series/?sn=200009>

206. The number of **personal licences** almost doubled between 31 March 2007 and 2014, from 292,900 to 581,000 (Figure 5 and Table 1 (Annex A)). As those who leave or retire from the industry are not required to cancel their personal licence, this increase does not necessarily reflect an increase in the employment of active personal licence holders.

207. The number of **premises licences** slightly increased over the same period, from 185,900 to 204,300 licences. Licences for both on- and off-sales have consistently been the highest number granted, for example, in 2014:<sup>12</sup>

- 78,500 premises were licensed for both on- and off-sales or supply of alcohol.
- 37,700 premises were licensed for on-sales of alcohol only.
- 52,400 premises were licensed for off-sales or supply of alcohol only.

<sup>11</sup> CSEW data are available from the UK Data Archive: <https://discover.ukdataservice.ac.uk/series/?sn=200009>

<sup>12</sup> The different types of premises licences presented here do not equal the total number of premises licences because in addition there are licences which do not include permission to sell or supply alcohol but also, licensing authorities were not always able to report on alcohol permissions for premises licences.

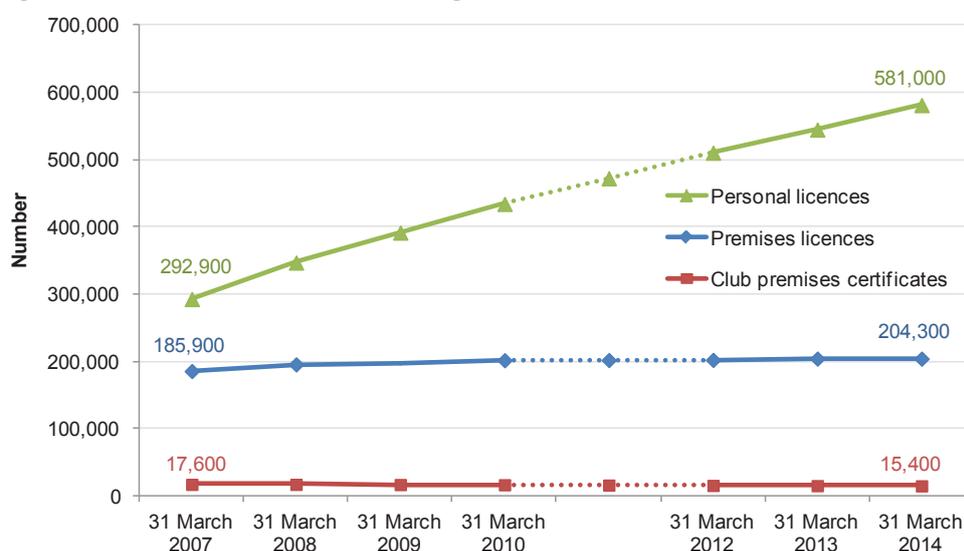
208. Consistently, on a financial year basis approximately 97% of new or variations to premises licences have been granted (Table 2 (Annex A)).

209. The number of **club premises certificates** was 17,600 as at 31 March 2007 but has fallen slightly in recent years, to 15,400 in 2014. The fall has mainly been in certificates related to both on- and off-sales or supply of alcohol.<sup>13</sup>

- 10,100 club premises were licensed for both on- and off-sales or supply of alcohol at 31 March 2007, falling to 7,800 in 2014.
- 7,400 club premises were licensed for on-sales of alcohol only at 31 March 2007, similar to the 7,200 in 2014.

210. Consistently, on a financial year basis approximately 97%-100% of new or variations to club premises certificates are granted (Table 2 (Annex A)).

**Figure 5: Number of licences, England and Wales, 2007 to 2014**



1. Where data are not received from all licensing authorities these key estimates are modelled to account for the missing data.

Sources: Home Office <https://www.gov.uk/government/collections/alcohol-and-late-night-refreshment-licensing-england-and-wales-statistics>, Department for Culture, Media and Sport <https://www.gov.uk/government/collections/alcohol-entertainment-late-night-refreshment-licensing-statistics>

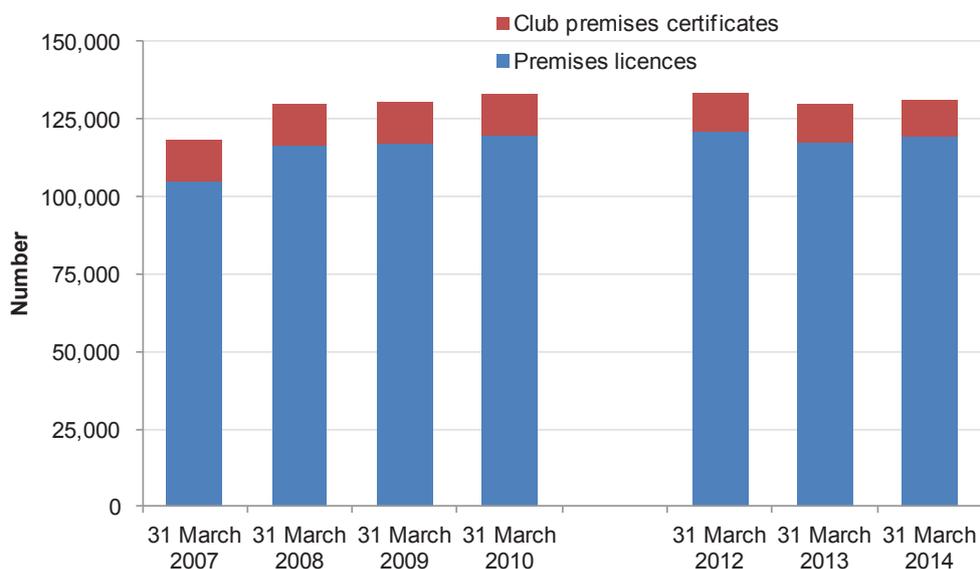
211. There has been an increase in **premises licences for regulated entertainment** although this has levelled off in recent years (Figure 6): there were 104,600 premises licensed at 31 March 2007, rising to 120,800 in 2012 and subsequently falling to 119,300 in 2014 (Table 3 (Annex A)). The vast majority of premises licences cover recorded music (99,800) or live music (82,000). Premises may have a licence covering several forms of entertainment; this licence may also cover alcohol and late night refreshment.

212. The number of **club premises certificates for regulated entertainment** was just over 13,000 between 31 March 2007 and 2010 and has since fallen slightly

<sup>13</sup> The different types of club premises certificates presented here do not equal the total number of club premises certificates because in addition there are certificates which do not include permission to sell or supply alcohol but also, licensing authorities were not always able to report on alcohol club premises certificates.

to 11,800 at 31 March 2014 (Table 3 (Annex A)).<sup>14</sup> Again, the vast majority of club premises certificates cover recorded music (9,900) or live music (9,100).

**Figure 6: Number of regulated entertainment licences, England and Wales, 2007 to 2014**



1. Where data are not received from all licensing authorities these key estimates are modelled to account for the missing data.

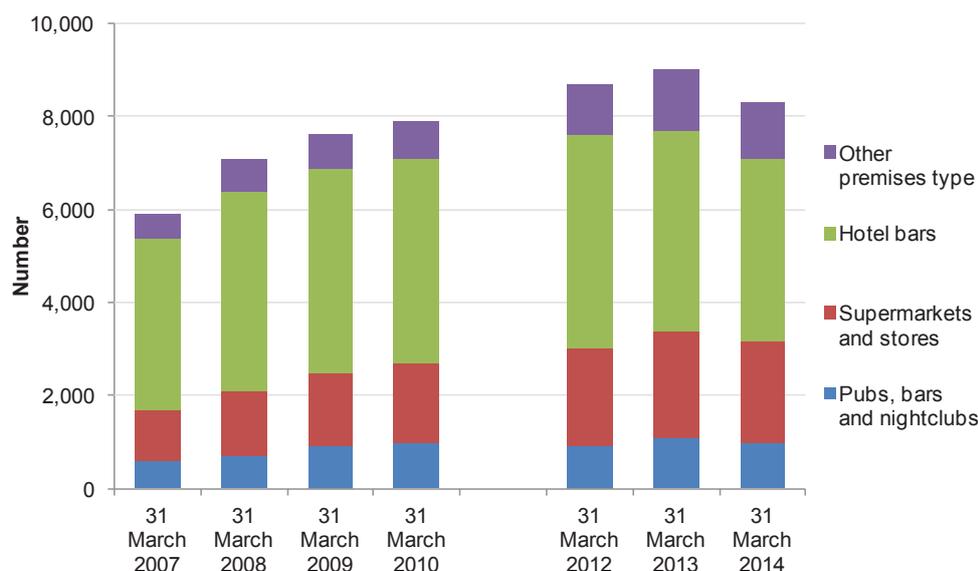
Source: Department for Culture, Media and Sport <https://www.gov.uk/government/collections/alcohol-entertainment-late-night-refreshment-licensing-statistics>

213. The number of premises with **24-hour licences** has gradually risen between 31 March 2007 (6,000) and 2013 (8,400), falling slightly to 8,200 in 2014. (Figure 7 and Table 1 (Annex A)). While the majority of licences are for hotel bars (3,700 in 2007), the number of hotel bar 24-hour licences has increased at a slower rate than for the other types of premises, and has fallen in recent years (from 4,500 in 2012 to 3,900 in 2014).<sup>15</sup> The number of 24-hour licences for supermarkets and stores has doubled between 2007 (1,100) and 2014 (2,200). However, in context, the number of 24-hour licences remains a very small proportion of the total number of premises licences.

<sup>14</sup> Figures at 31 March 2010 have been revised since original publication following revisions to modelling methodology; consequently figures from 2010 may not be directly comparable with estimates in earlier years.

<sup>15</sup> The sum of the different types of premises with 24-hour alcohol licences may not equal the total number of premises with 24-hour alcohol licences due to rounding and because some Licensing Authorities were unable to provide breakdowns for the different types of premises.

**Figure 7: Number of 24-hour alcohol licences by type of premises, England and Wales, 2007 to 2014**



1. Where data are not received from all licensing authorities these key estimates are modelled to account for the missing data.

Sources: Home Office <https://www.gov.uk/government/collections/alcohol-and-late-night-refreshment-licensing-england-and-wales-statistics>, Department for Culture, Media and Sport

<https://www.gov.uk/government/collections/alcohol-entertainment-late-night-refreshment-licensing-statistics>

214. The number of premises with **late night refreshment** has increased gradually since 31 March 2007 (68,600) to 87,700 in 2014 (Table 1 (Annex A)). About one in five of these premises licences is for late night refreshment only; this has been consistent in recent years where data are available (Figure 8). For example, there were 17,135 premises licences with only late night refreshment in 2014 out of 82,390<sup>16</sup> licences for late night refreshment.

**Figure 8: Number of premises licences with late night refreshment, England and Wales, 2012 to 2014**

Numbers	England and Wales		
	31 March 2012	31 March 2013	31 March 2014
Any premises licences with late night refreshment	75,388	76,433	82,390
Any premises licences with only late night refreshment	16,772	16,830	17,135

1. These data are the exact figures received from licensing authorities, they have not been modelled.

Source: Home Office <https://www.gov.uk/government/collections/alcohol-and-late-night-refreshment-licensing-england-and-wales-statistics>

215. The number of valid **Temporary Event Notices** given to Licensing Authorities has steadily increased since 2006/07: from 118,200 to a peak in 2012/13 (139,300) and down to 132,200 in 2013/14.

216. Statistics are now being collected on the **late night levy** and **early morning alcohol restriction orders** which have recently been implemented. During 2013/14 there were no Licensing Authorities that had early morning alcohol restriction orders in place and only one with a late night levy: Newcastle-upon-

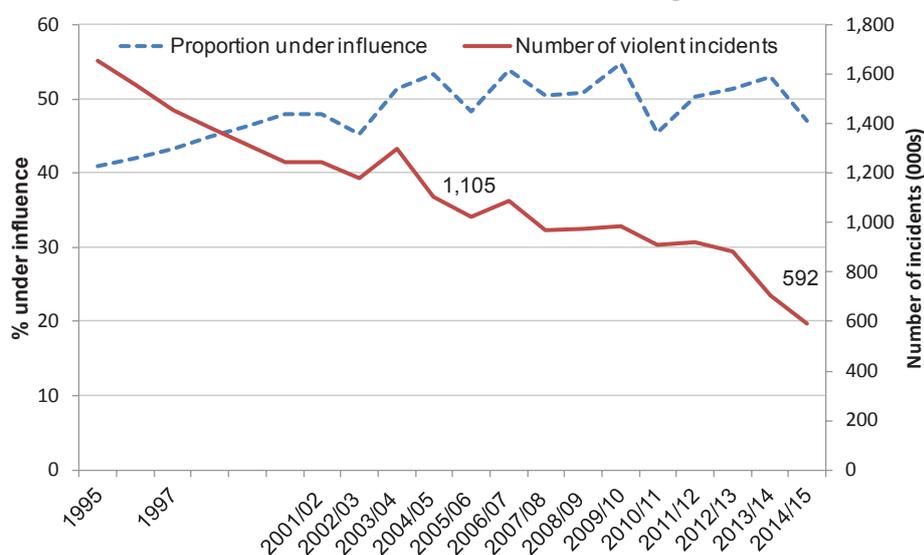
<sup>16</sup> These figures are based on actual returns from Licensing Authorities – they have not been modelled, so are slightly lower than the figures previously stated.

Tyne had raised £300,000 through the levy (Home Office, 2014). As at May 2016, seven Licensing Authorities have decided to introduce a levy.

## Crime, disorder, and other harms

217. A long-term trend in **violence and alcohol-related violence** is available from the CSEW (ONS, 2016b; 2015).<sup>17</sup> The number of violent offences has declined since 2004/05, continuing the ongoing downward trend since 1995 (Figure 9). The number of alcohol-related violent offences has fallen in line with the decline in violence: the proportion of incidents where victims perceived the offender(s) to be under the influence of alcohol has remained at around half since the implementation of the LA2003.

**Figure 9: Number and proportion of CSEW violent incidents where the offender(s) was believed to be under the influence of alcohol, England and Wales, 1995 to 2014/15**



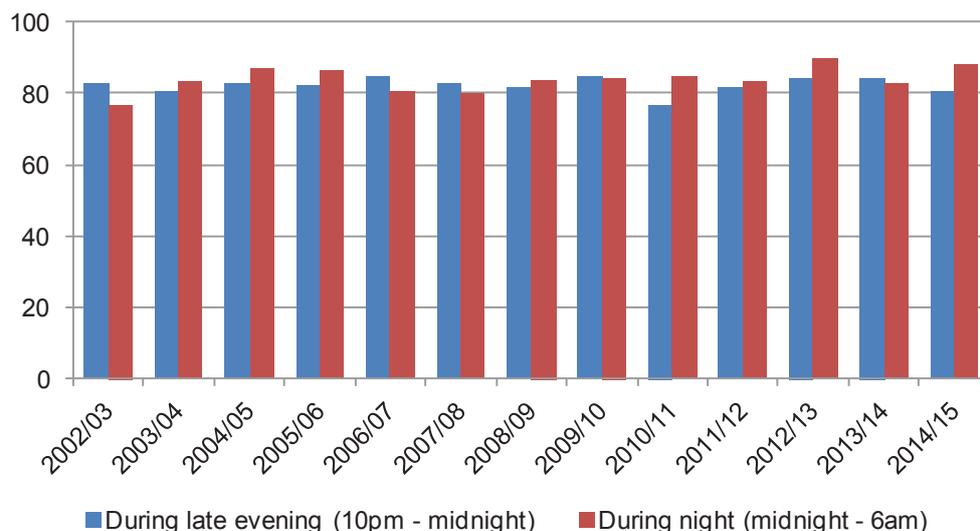
Source: Office for National Statistics

<http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/focusonviolentcrimeandsexualoffences/yearendingmarch2015>

218. New analysis from the CSEW shows that the proportion of **violent incidents taking place during the night** that involved alcohol has not changed since the implementation of the LA2003 (Figure 10 and Table 4 (Annex A)). Over this time period victims perceived that approximately 8 in 10 violent incidents that took place between 10pm and midnight involved alcohol – a similar proportion to those incidents taking place between midnight and 6am.

<sup>17</sup> Long-term trends in police recorded violent offences are available but the CSEW trend is deemed more reliable, largely as the survey covers crimes not reported to or recorded by the police and is not subject to changes in recording standards.

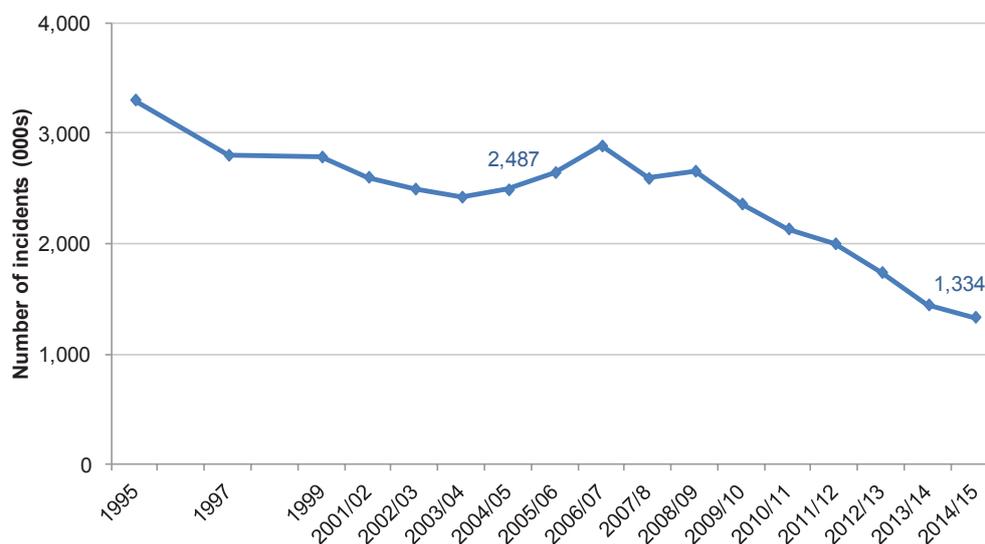
**Figure 10: Proportion of CSEW violent incidents where the offender(s) was believed to be under the influence of alcohol by time, England and Wales, 2002/03 to 2014/15 CSEW**



Source: Office for National Statistics <https://discover.ukdataservice.ac.uk/series/?sn=200009>

219. **Criminal damage** incidents measured by the CSEW provide a proxy measure for disorder (although not alcohol related disorder). Overall there has been a general downward trend in criminal damage since the mid 1990s (ONS, 2015). In the period following the implementation of the LA2003, the number of incidents of criminal damage rose (from 2.5 million in 2004/05 to 2.9 million in 2006/07) but has subsequently fallen to 1.3 million in 2014/15 (Figure 11).<sup>18</sup>

**Figure 11: Number of CSEW criminal damage incidents, England and Wales, 1995 to 2014/15 CSEW**



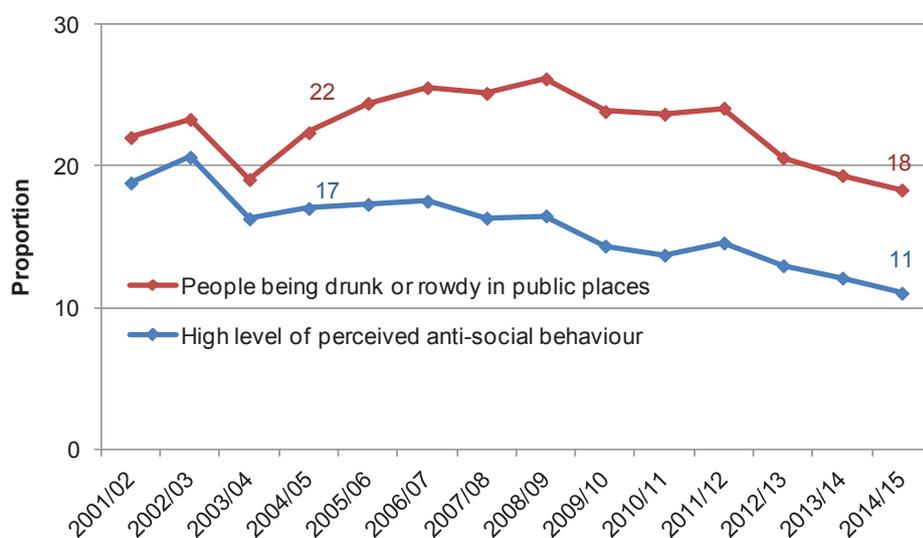
Source: Office for National Statistics <http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/2015-07-16>

<sup>18</sup> As so few victims are aware when criminal damage incidents take place, it is not possible to provide any indication of whether the victims perceived the offender(s) to be under the influence of alcohol.

220. The CSEW provides a long-term trend in the overall level of perceived **anti-social behaviour** (ASB) among adults (ONS, 2015) which has fallen from 17% in 2014/15 to 11% in 2014/15 (Figure 12). This composite measure includes adults' **perception of drunk and rowdy behaviour** in their local area. For this indicator specifically, there was a rise in the proportion of adults considering this to be a very or fairly big issue after the implementation of the LA2003 (22% in 2004/05 to 26% in 2008/09) but this has subsequently fallen to 18% in 2014/15 (lower than 2004/05).

221. In 2014/15, 28% of adults indicated that they had personally experienced or witnessed at least one of the ASB problems asked about in their local area in the previous year, including 10% of adults who experienced or witnessed drink-related anti-social behaviour (*ibid.*).

**Figure 12: Trend in CSEW anti-social behaviour indicators, England and Wales, 2001/02 to 2014/15**

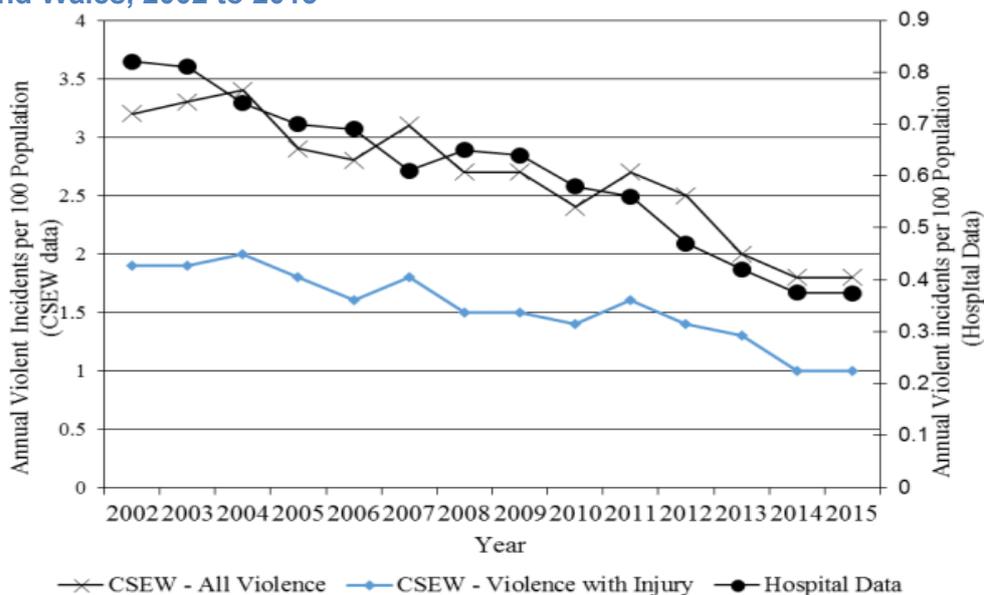


Source: Office for National Statistics

<http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/2015-07-16>

222. Data on **A&E attendance for violence** were included in the early reviews of the LA2003. More recent figures (Sivarajasingam *et al.*, 2016) show that, overall, an estimated 210,215 people attended emergency departments in England and Wales for treatment following violence in 2015. This is significantly lower than in 2005 (Figure 13). This is against the background of successive annual falls in overall violence in England and Wales as demonstrated by the CSEW. Since 2011, the rate of decrease in violence has fallen steadily to the point when there was no further overall decrease in 2015.

**Figure 13: Trends in CSEW violence and violent incident A&E admissions, England and Wales, 2002 to 2015<sup>19</sup>**



Source: Sivarajasingam *et al.* (2016)

223. New analysis of the **London Ambulance Service alcohol-related call-outs<sup>20</sup>** since the implementation of the LA2003 shows that the proportion of urgent and emergency call-outs that are alcohol-related has remained at around 3 or 4% since 2004/05 (Figure 14).<sup>21</sup>

**Figure 14: Proportion of alcohol-related ambulance call-outs, London, 2004/05 to 2014/15**

	Total emergency and urgent incidents	Alcohol-related incidents	Alcohol-related incidents as % of total
2004/05	922,540	27,069	3%
2005/06	784,078	25,492	3%
2006/07	832,611	29,912	4%
2007/08	939,788	36,940	4%
2008/09	1,027,875	38,949	4%
2009/10	828,163	32,335	4%
2010/11	918,592	35,806	4%
2011/12	932,907	36,156	4%
2012/13	1,055,463	36,900	4%
2013/14	1,074,128	36,703	3%
2014/15	1,000,853	32,641	3%

Source: London Ambulance Service <http://data.london.gov.uk/dataset/monthly-ambulance-service-incidents-borough>

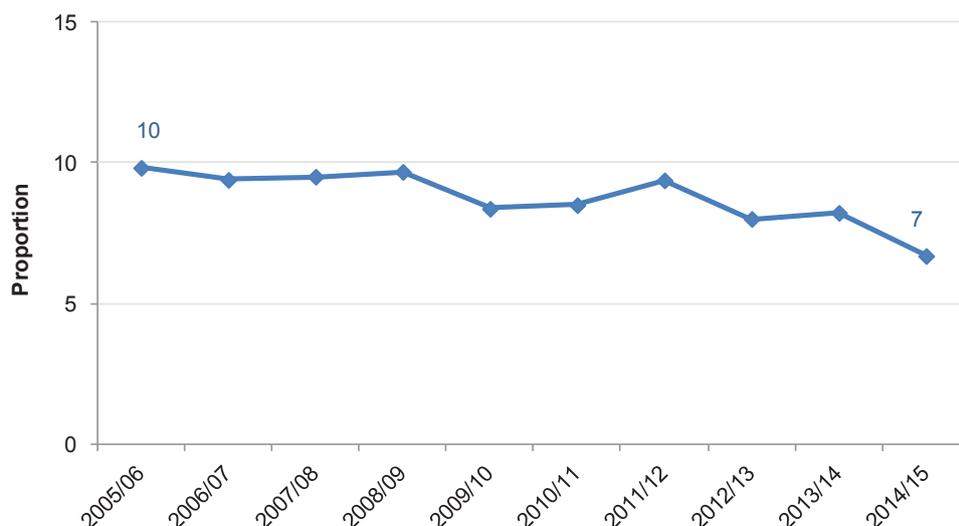
224. The longest available trend from the CSEW shows that among adults who had visited a pub or bar in the month prior to interview, the proportion who **felt unsafe in a pub or bar** has fallen from 10% in 2005/06 to 7% in 2014/15 (Figure 15; not previously published).

<sup>19</sup> CSEW violence data for 2013, 2014 and 2015 are for 12 month periods ending September. Before 2013, CSEW violence data are for 12 month periods ending March.

<sup>20</sup> Data available at: <http://data.london.gov.uk/dataset/monthly-ambulance-service-incidents-borough>

<sup>21</sup> Figures are not directly comparable with those previously published (London Ambulance Service, 2008), quoted by Hough *et al.* (2008) but are consistent over this time period.

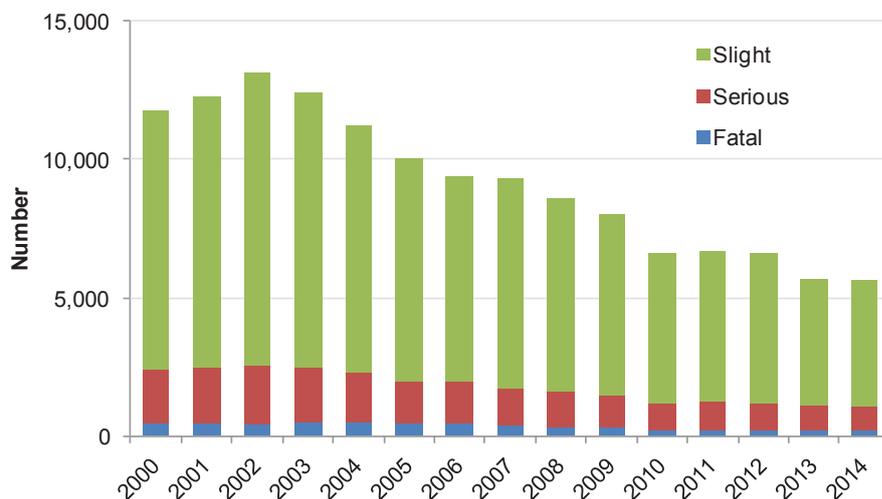
**Figure 15: Proportion of people aged 16 or over who had visited a pub or bar in the month prior to interview who felt unsafe, England and Wales, 2005/06 to 2014/15 CSEW**



Source: Office for National Statistics <https://discover.ukdataservice.ac.uk/series/?sn=200009>

225. The long-term trend in accidents and casualties from **drink drive accidents** (DfT, 2016) shows the estimated number of drink and drive accidents has fallen over the past decade, with resulting fatalities falling from 470 in 2005 to 210 in 2014 (55% fall; Figure 16 and Table 5 (Annex A)). Seriously injured casualties have fallen by almost a half in the same time period (from 2,090 to an estimated 1,080) as have casualties sustaining slight injuries (from 12,760 to 6,910).

**Figure 16: Estimated number of reported drink drive accidents, Great Britain, 2000 to 2014**

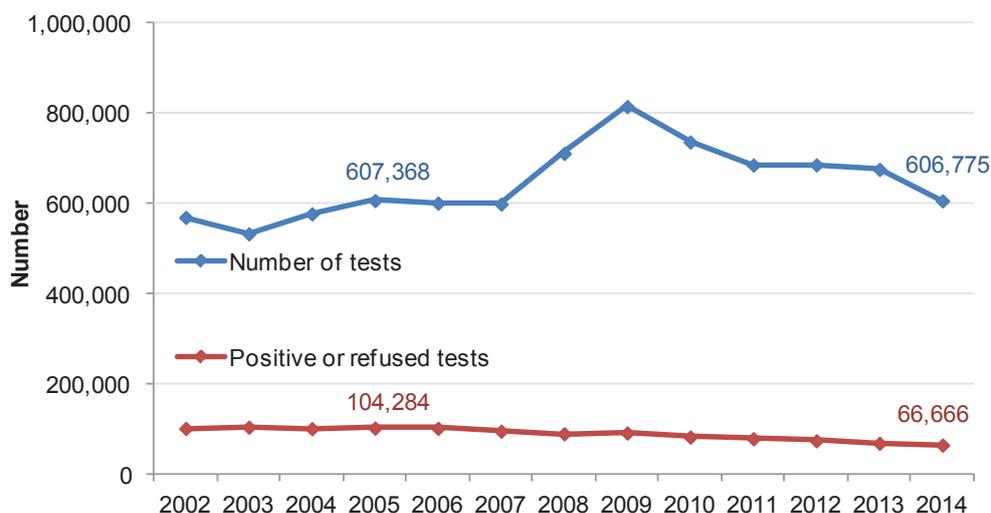


Source: Department for Transport <https://www.gov.uk/government/statistical-data-sets/ras51-reported-drinking-and-driving> (Figures for 2014 are provisional)

226. Figures on **breath tests for drink driving offences** (Home Office, 2015) show that the proportion of breath tests that were positive or refused gradually fell

from 17% in 2005 to 11% in 2009<sup>22</sup> and has remained stable at between 10% and 12% since (11% in 2014; Figure 17).

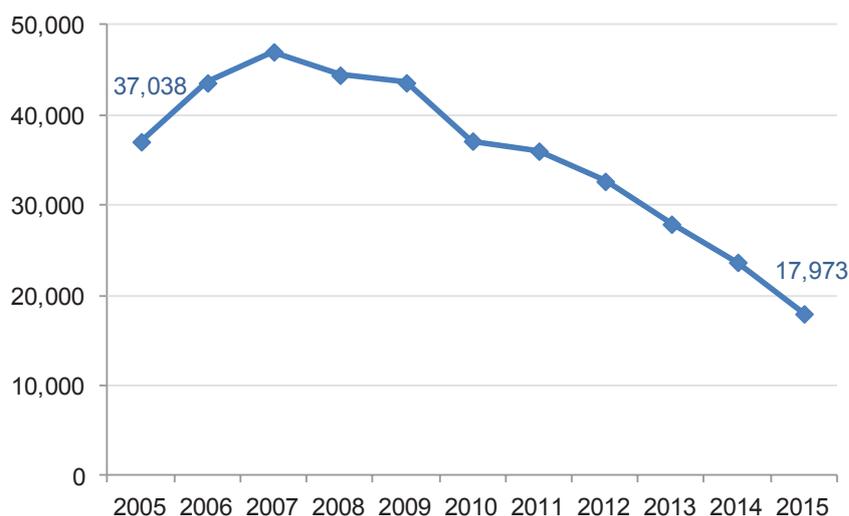
**Figure 17: Number of breath tests and number positive or refused, England and Wales, 2002 to 2014**



Source: Home Office <https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2015>

227. There was an early rise in numbers of penalty notices for disorder (PNDs) for **drunk and disorderly behaviour**, likely to be related to their new availability, but between 2007 and 2015 the number issued has halved (Figure 18; MOJ, 2016). This trend mirrors that for PNDs and out of court disposals more generally (see MOJ, 2016).

**Figure 18: Number of penalty notices for disorder issued for drunk and disorderly behaviour, England and Wales, 2005 to 2015**



Source: Ministry of Justice <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015>

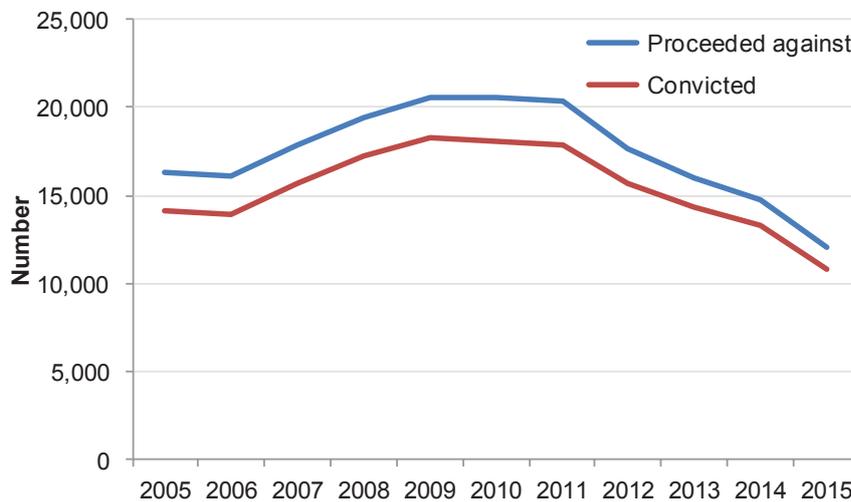
228. Summary offences are in place to manage **drunken and disorderly behaviour**:

<sup>22</sup> This fall is likely in part be due to improvements in recording as all tests, including negative tests, are now better recorded.

- Drunkenness, simple
- Drunkenness, with aggravation - disorderly in a public place
- Drunkenness, with aggravation - other
- Sale of alcohol to, or obtaining alcohol for a person who is drunk

229. The criminal justice outcomes for defendants prosecuted for these offences are shown in Table 6 (Annex A; MOJ, 2016). Of these offences, an overwhelming majority of defendants were prosecuted for ‘drunkenness, with aggravation - disorderly in a public place’ which are proceeded against. Figure 19 shows that between 2005 and 2009 the number of defendants proceeded against rose (from 16,342 to 20,601) but has fallen in recent years (to 12,031 in 2015). The conviction ratio<sup>23</sup> was between 86% and 90% over this time period, and for those convicted, the vast majority received a fine).

**Figure 19: Number of defendants and number of offenders convicted for the summary offence of drunkenness, with aggravation - disorderly in a public place, England and Wales, 2005 to 2015**



1. Figures here relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

2. The number of offenders sentenced can differ from those found guilty as it may be the case that a defendant found guilty in a particular year, and committed for sentence at the Crown Court, may be sentenced in the following year.

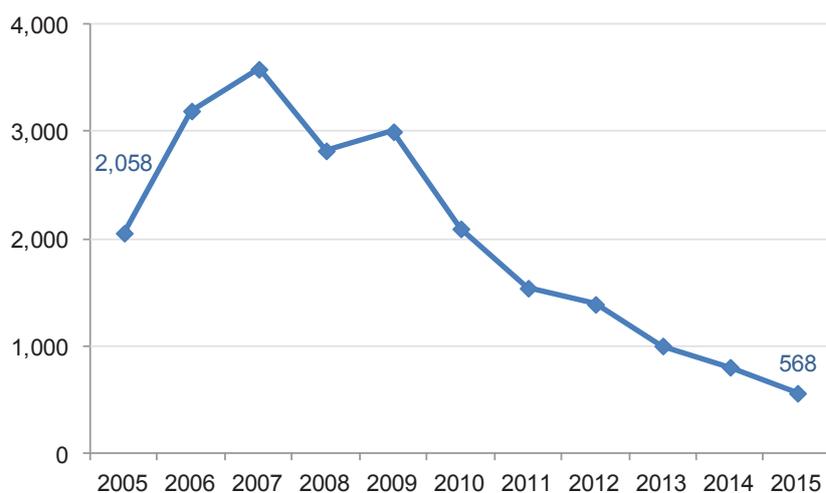
Source: Ministry of Justice <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015>

230. Following the introduction of PNDs for **sales of alcohol to a person under 18** numbers issued rose sharply from 2005 (MOJ, 2016). Since 2007 the number of PNDs issued has fallen considerably, to 568 in 2015 (Figure 20). Again, this trend mirrors that for PNDs and out of court disposals more generally (see MOJ, 2016).<sup>24</sup>

<sup>23</sup> The conviction ratio for a given offence is calculated as the number of convictions as a proportion of the number of proceedings in a given year. See MOJ (2016) for more detail.

<sup>24</sup> PNDs can be issued for other related offences such as ‘Purchasing alcohol for a person under 18’ but the numbers of PNDs are much lower. See MOJ (2016) for more detail.

**Figure 20: Number of penalty notices for disorder issued for sales of alcohol to a person under 18, England and Wales, 2005 to 2015**



Source: Ministry of Justice <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015>

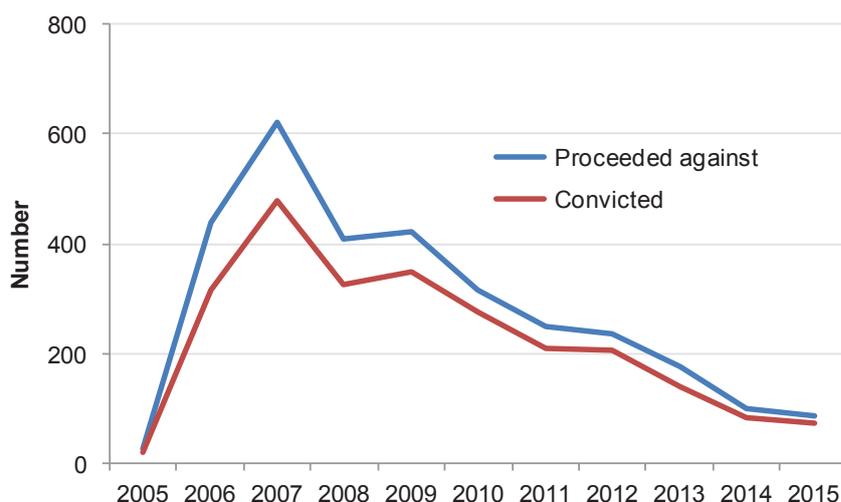
**231. Summary offences exist to limit the sale or supply of alcohol to those aged under 18:**

- Sale of alcohol to a person aged under 18;
- Buying, attempting to buy or delivering alcohol to persons aged under 18; and
- Purchase of alcohol by a person aged under 18

232. The criminal justice outcomes for defendants prosecuted for these offences are shown in Table 7 (Annex A; MOJ, 2016). There are generally very few offenders prosecuted for these offences, with almost all being prosecuted for the sale of alcohol to a person under 18. Numbers prosecuted peaked in 2007 (620 defendants) but has subsequently fallen to 89 in 2015. The conviction ratio<sup>25</sup> varied between 72% and 88% over this time period, and for those convicted, the vast majority received a fine.

<sup>25</sup> The conviction ratio for a given offence is calculated as the number of convictions as a proportion of the number of proceedings in a given year. See MOJ (2016) for more detail.

**Figure 21: Number of defendants and number of offenders convicted for the summary offence of sales of alcohol to a person under 18, England and Wales, 2005 to 2015**



1. Figures here relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

2. The number of offenders sentenced can differ from those found guilty as it may be the case that a defendant found guilty in a particular year, and committed for sentence at the Crown Court, may be sentenced in the following year.

Source: Ministry of Justice <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015>

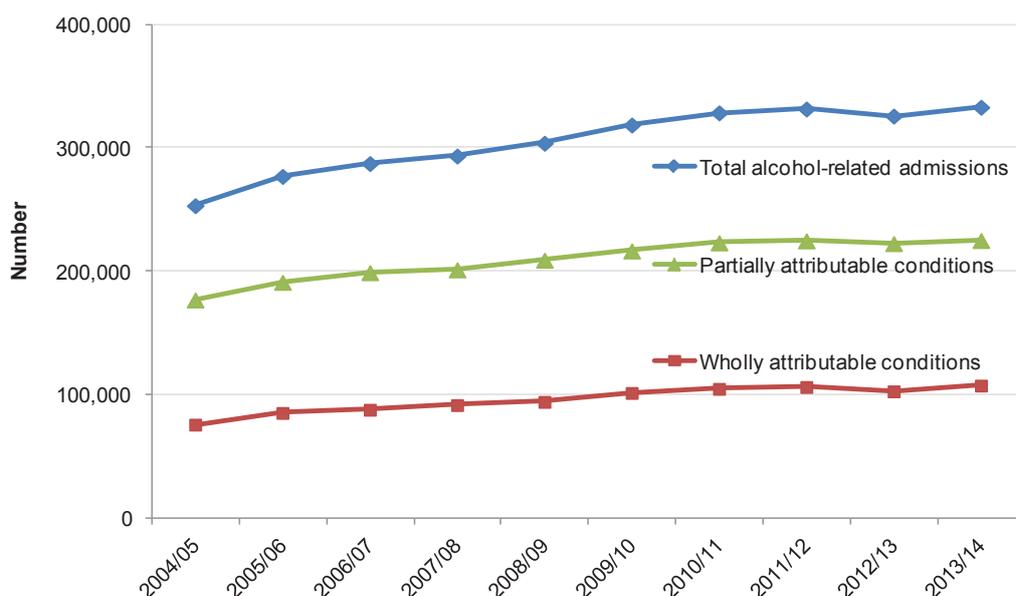
233. As it has been a decade since the implementation of the LA2003, it is relevant to review indicators relating to **alcohol-related NHS hospital admissions**.

Figure 22 shows that since 2004/05, total admissions for alcohol-related conditions have risen from 253,000 to 333,000 in 2013/14<sup>26</sup>; most of the increase in admissions is due to chronic health problems (HSCIC, 2015).

234. Admissions for acute intoxication have risen in line with the overall rise in alcohol-related admissions: about 5-6% of all alcohol-related admissions over the past decade (16-18% of admissions wholly attributable to alcohol; *ibid.*).

<sup>26</sup> There is more than one measure of alcohol-related admissions available, according to a 'narrow' or 'broad' definition or if the condition is wholly or partially attributable to alcohol. The 'narrow' measure is presented here (based on primary diagnoses and external cause codes in secondary diagnosis fields) for wholly and partially attributable conditions, but the other measures also show an increasing trend in alcohol-related hospital admissions. See HSCIC (2015) for further information.

**Figure 22: Number of alcohol-related NHS hospital admissions, England, 2004/05 to 2013/14**



1. Based on the 'narrow' measure.

Source: Health & Social Care Information Centre <https://www.gov.uk/government/statistics/statistics-on-alcohol-england-2015>

## Enforcement

235. Exploring the reasons for **completed reviews of licences** and the **action taken** shows how the licensing objectives are being upheld. Latest figures for 2013/14 show that the majority of reviews were made under the 'crime and disorder' objective (Figure 23). Overall, the majority of reviews (58%) resulted in a licence having other conditions added or modified (Figure 24).<sup>27</sup>

**Figure 23: Number of completed reviews by reason, England and Wales, 2007/08 to 2013/14**

Numbers	England and Wales											
	2007/08		2008/09		2009/10		2011/12		2012/13		2013/14	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Crime & disorder	628	62%	726	65%	959	72%	646	64%	574	70%	653	78%
Protection of children	396	39%	502	45%	475	36%	292	29%	266	33%	314	37%
Public nuisance	408	40%	470	42%	442	33%	309	30%	268	33%	258	31%
Public safety	174	17%	212	19%	222	17%	186	18%	165	20%	193	23%

More than one reason may apply to each review, so the percentages do not add to 100%.

Sources: Home Office <https://www.gov.uk/government/collections/alcohol-and-late-night-refreshment-licensing-england-and-wales-statistics>, Department for Culture, Media and Sport <https://www.gov.uk/government/collections/alcohol-entertainment-late-night-refreshment-licensing-statistics>

<sup>27</sup> It is not possible to determine from available data what action was taken by reason for review.

**Figure 24: Action taken following completed reviews, England and Wales, 2007/08 to 2013/14**

Numbers and percentages	England and Wales											
	2007/08		2008/09		2009/10		2011/12		2012/13		2013/14	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
<b>Completed reviews</b>	<b>1,008</b>	<b>100%</b>	<b>1,125</b>	<b>100%</b>	<b>1,334</b>	<b>100%</b>	<b>1,015</b>	<b>100%</b>	<b>818</b>	<b>100%</b>	<b>838</b>	<b>100%</b>
No action taken	52	5%	48	4%	66	5%	58	6%	58	7%	52	6%
Operating hours modified	161	16%	190	17%	206	15%	172	17%	147	18%	141	17%
Licensable activity partially restricted	106	11%	121	11%	143	11%	94	9%	69	8%	69	8%
Licensable activity completely excluded	31	3%	38	3%	41	3%	30	3%	15	2%	10	1%
Other conditions added or modified	622	62%	738	66%	911	68%	572	56%	471	58%	469	56%
Designated Premises Supervisor removed (premises licences only)	102	10%	113	10%	142	11%	83	8%	83	10%	65	8%
Licence or certificate suspended	167	17%	171	15%	187	14%	127	13%	98	12%	101	12%
Licence revoked or club premises certificate withdrawn	155	15%	154	14%	151	11%	186	18%	150	18%	198	24%

The percentages do not sum to 100% as more than one action can apply to each completed review.

Sources: Home Office <https://www.gov.uk/government/collections/alcohol-and-late-night-refreshment-licensing-england-and-wales-statistics>, Department for Culture, Media and Sport <https://www.gov.uk/government/collections/alcohol-entertainment-late-night-refreshment-licensing-statistics>

## Summary and Conclusions

236. The LA2003, introduced in November 2005, abolished set licensing hours in England and Wales. Instead opening hours of premises are now set locally through the conditions of individual licences. The aim was to liberalise a rigid system whilst reducing the problems of heavy drinking and disorder associated with a standard closing time. The intention was not simply to relax drinking hours but to provide Licensing Authorities with new powers and to encourage better partnership working. It was hoped that in the longer term, the LA2003 – in combination with national and local alcohol strategies – would also help bring about a ‘sensible drinking’ culture which attached less value to heavy drinking and drunkenness as ends in themselves.

237. In the 11 years since the LA2003 came in to force, drinking habits and culture have changed. How far this can be attributed to the LA2003 will remain contested. What is clear is that the measures enabled by the LA2003, supported by strong local governance and accountability, provide the right balance of interests. While the number of licensed premises has increased, alcohol-related crime has not risen in parallel. Empowered Licensing Authorities, increasing numbers of personal licence holders (trained to a consistent standard), and coherent local alcohol strategies provide a regulatory and cultural framework commensurate with changing consumer needs. The LA2003 has improved the day-to-day coordination and cooperation, both within the various regulatory agencies and between the regulators and the licensed trade. As operators have found it easier to provide a wide range of leisure options within a single premises, the night time economy now delivers the greatest ever choice for consumers. Similarly, communities can be assured that local partners are empowered and able to manage the challenges of disorder and public nuisance associated with the night time economy. Among the array of available tools which enable this are Cumulative Impact Policies, and the triggering of premises licences reviews.

238. The Licensing Act 2003 will remain a fundamental pillar in both national and local regulatory frameworks. Its key principles and objectives have endured, as its application in practice has proved capable of evolving and adapting to balance divergent interests.

## Annex A – Statistics and Sources

**Table A1: Key licensing statistics, which include modelled estimates for non-responding Licensing Authorities, England and Wales, 31 March 2009 to 31 March 2014**

Numbers, including modelled estimates, and percentages	England and Wales							
	31 March 2007	31 March 2008	31 March 2009	31 March 2010	31 March 2011	31 March 2012	31 March 2013	31 March 2014
Premises licences	185,900	195,800	198,000	202,000	..	201,500	204,000	204,300
Club premises certificates	17,600	17,600	17,300	17,000	..	15,900	15,700	15,400
Personal licences	292,900	347,100	391,600	434,200	..	505,000	547,300	581,000
Premises licences on-sales of alcohol only	33,000	35,700	35,300	35,100	..	36,600	39,200	37,700
Premises licences off-sales or supply of alcohol only	44,400	46,600	47,500	48,700	..	50,700	54,100	52,400
Premises licences both on- and off-sales or supply of alcohol	79,200	81,600	81,500	82,300	..	81,400	78,600	78,500
Club premises certificates on-sales of alcohol only	7,400	8,000	8,200	7,800	..	7,400	7,300	7,200
Club premises certificates both on- and off-sales or supply of alcohol	10,100	9,200	8,700	8,900	..	8,200	8,000	7,800
Any premises licences with late night refreshment	68,600	77,400	81,600	84,900	..	87,100	86,500	87,700
Premises with 24-hour alcohol licences, of which	6,000	6,900	7,600	7,800	..	8,400	8,400	8,200
Pubs, bars and nightclubs	600	700	900	1,000	..	900	1,000	1,000
Supermarkets and stores	1,100	1,400	1,600	1,700	..	1,900	2,100	2,200
Hotel bars	3,700	4,300	4,400	4,400	..	4,500	4,100	3,900
Other premises type	500	700	700	800	..	1,000	1,300	1,200
Total number of completed reviews	800	1,000	1,100	1,300	..	1,100	900	800
Valid temporary event notices given to licensing authority	118,200	118,600	122,100	124,400	..	133,200	139,300	132,200

.. Data not available.

1. Where data are not received from all licensing authorities key estimates are modelled to account for the missing data. Due to the nature of modelled estimates, figures are rounded to the nearest hundred, while exact figures are presented for the raw data.

2. The sum of the different types of premises with 24-hour alcohol licences may not equal the total number of premises with 24-hour alcohol licences. This is due to rounding and because some licensing authorities were able to provide a figure for the total but were unable to provide breakdowns for the different types of premises.

Sources: Home Office <https://www.gov.uk/government/collections/alcohol-and-late-night-refreshment-licensing-england-and-wales-statistics>, Department for Culture, Media and Sport <https://www.gov.uk/government/collections/alcohol-entertainment-late-night-refreshment-licensing-statistics>

**Table A2: Number of licences applied for, granted and refused by type of licence, England and Wales, 31 March 2008 to 31 March 2014**

Numbers and percentages	Applied	Granted	Refused	Unknown / To be decided	England and Wales	
					Percentage valid where decision known	
					Granted	Refused
<b>31 March 2014</b>						
New premises licence	9,638	8,763	275	600	97%	3%
Variation to premises licence	5,190	4,738	169	283	97%	3%
New club premises certificate	114	108	2	4	98%	2%
Variation to club premises certificate	137	132	0	5	100%	0%
<b>31 March 2013</b>						
New premises licence	9,547	8,710	313	524	97%	3%
Variation to premises licence	6,533	6,021	228	284	96%	4%
New club premises certificate	134	129	2	3	98%	2%
Variation to club premises certificate	185	175	3	7	98%	2%
<b>31 March 2012</b>						
New premises licence	10,161	9,380	338	443	97%	3%
Variation to premises licence	6,812	6,298	196	318	97%	3%
New club premises certificate	159	148	4	7	97%	3%
Variation to club premises certificate	179	172	6	1	97%	3%
<b>31 March 2010</b>						
New Premises Licence	9,881	9,105	245	531	97%	3%
Variation to Premises Licence	6,883	6,404	169	310	97%	3%
New Club Premises Certificate	131	125	1	5	99%	1%
Variation to Club Premises	302	289	4	9	99%	1%
<b>31 March 2009</b>						
New premises licence	10,587	9,962	275	350	97%	3%
Variation to premises licence	7,473	7,004	208	261	97%	3%
New club premises certificate	213	203	4	6	98%	2%
Variation to club premises certificate	324	310	4	10	99%	1%
<b>31 March 2008</b>						
New premises licence	12,391	11,651	309	431	97%	3%
Variation to premises licence	11,114	10,642	213	259	98%	2%
New club premises certificate	195	186	3	6	98%	2%
Variation to club premises certificate	531	521	5	5	99%	1%

1. These data are the exact figures received from licensing authorities, they have not been modelled.

Source: Home Office <https://www.gov.uk/government/collections/alcohol-and-late-night-refreshment-licensing-england-and-wales-statistics>

**Table A3: Licences relating to the provision of regulated entertainment, England and Wales, 31 March 2007 to 31 March 2014**

Numbers	England and Wales							
	31 March 2007	31 March 2008	31 March 2009	31 March 2010	31 March 2011	31 March 2012	31 March 2013	31 March 2014
<b>Premises licences</b>	<b>104,600</b>	<b>116,400</b>	<b>116,800</b>	<b>120,100</b>	..	<b>120,800</b>	<b>117,800</b>	<b>119,300</b>
Plays	..	13,194	16,364	22,300	..	24,000	24,600	24,900
Films	..	22,068	26,740	36,900	..	38,300	38,500	38,800
Indoor sporting events	..	18,776	22,457	30,500	..	29,800	30,300	30,800
Boxing or wrestling	..	2,645	3,307	4,500	..	4,800	5,200	5,100
Live music	..	52,693	63,388	85,900	..	83,700	83,300	82,000
Recorded music	..	65,485	78,106	104,500	..	100,800	100,600	99,800
Performance of dance	..	30,112	36,070	49,600	..	51,100	51,100	51,500
Entertainment similar to live music, recorded music or dance	..	26,507	31,807	43,700	..	43,400	43,900	43,100
Facilities for making music	..	33,066	39,607	54,200	..	53,600	..	..
Facilities for dancing	..	36,795	44,538	60,000	..	60,200	..	..
Facilities for entertainment similar to making music or dancing	..	20,282	25,050	34,600	..	34,700	..	..
<b>Club premises certificates</b>	<b>13,400</b>	<b>13,700</b>	<b>13,500</b>	<b>13,300</b>	..	<b>12,600</b>	<b>11,900</b>	<b>11,800</b>
Plays	..	1,531	1,714	2,600	..	2,400	2,400	2,200
Films	..	2,106	2,441	3,300	..	3,400	3,300	3,100
Indoor sporting events	..	3,697	4,283	5,700	..	5,500	5,300	4,900
Boxing or wrestling	..	414	446	600	..	700	700	600
Live music	..	7,180	8,131	10,800	..	10,100	9,700	9,100
Recorded music	..	7,858	9,014	12,000	..	11,000	10,600	9,900
Performance of dance	..	3,429	4,047	5,400	..	5,200	5,000	4,700
Entertainment similar to live music, recorded music or dance	..	2,853	3,372	4,500	..	4,300	4,400	4,000
Facilities for making music	..	3,820	4,434	5,800	..	5,700	..	..
Facilities for dancing	..	6,028	6,839	9,100	..	8,600	..	..
Facilities for entertainment similar to making music or dancing	..	2,314	2,864	3,900	..	3,800	..	..
.. Data not available.								
1. Where data are not received from all licensing authorities key estimates are modelled to account for the missing data. Due to the nature of modelled estimates, figures are rounded to the nearest hundred, while exact figures are presented for the raw data.								
2. Breakdowns by licence type for 31 March 2008 and 2009 are based on actual returns from licensing authorities and have not been modelled so will not be directly comparable with estimates in subsequent years.								
3. Figures at 31 March 2010 have been revised since original publication following revisions to modelling methodology; consequently figures from 2010 may not be directly comparable with modelled estimates in earlier years.								

Source: Department for Culture, Media and Sport <https://www.gov.uk/government/collections/beer-entertainment-late-night-refreshment-licensing-statistics>

**Table A4: Proportion of CSEW violent incidents where the offender(s) was believed to be under the influence of alcohol by time, England and Wales, 2002/03 to 2014/15**

Proportions													England and Wales	
	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	
During morning (6am - noon)	9	18	11	8	11	16	5	16	13	16	15	17	17	
During afternoon (noon - 6 pm)	15	29	21	16	18	21	19	25	16	22	26	25	21	
During early evening (6pm - 10pm)	58	57	60	41	52	52	54	48	44	52	50	57	50	
<b>During late evening (10pm - midnight)</b>	<b>83</b>	<b>81</b>	<b>83</b>	<b>82</b>	<b>85</b>	<b>83</b>	<b>82</b>	<b>85</b>	<b>77</b>	<b>81</b>	<b>84</b>	<b>84</b>	<b>80</b>	
<b>During night (midnight - 6am)</b>	<b>77</b>	<b>83</b>	<b>87</b>	<b>87</b>	<b>80</b>	<b>80</b>	<b>84</b>	<b>84</b>	<b>85</b>	<b>83</b>	<b>90</b>	<b>83</b>	<b>88</b>	
<i>Unweighted bases</i>														
During morning (6am - noon)	74	78	102	89	130	124	130	103	135	113	80	73	73	
During afternoon (noon - 6 pm)	157	197	199	212	362	283	310	252	269	270	176	161	162	
During early evening (6pm - 10pm)	144	202	217	186	368	350	311	293	310	267	191	175	114	
During late evening (10pm - midnight)	116	160	179	172	282	278	259	236	282	239	142	128	96	
During night (midnight - 6am)	62	98	89	90	216	181	210	170	171	192	130	96	82	

Source: Office for National Statistics <https://discover.ukdataservice.ac.uk/series/?sn=200009>

**Table A5: Estimated number of reported drink-drive accidents and casualties, Great Britain, 2000 to 2014**

Year	Accidents <sup>1</sup>				Casualties <sup>1</sup>					
	Fatal	Serious	Slight	Total	95% CI lower <sup>2</sup>	Killed	95% CI upper <sup>2</sup>	Serious	Slight	Total
2000	450	1,950	9,410	11,800	500	530	560	2,540	14,990	18,060
2001	470	2,020	9,780	12,270	510	530	560	2,700	15,550	18,780
2002	480	2,050	10,620	13,150	520	550	580	2,790	16,760	20,100
2003	500	1,970	9,930	12,400	550	580	600	2,590	15,820	18,990
2004	520	1,790	8,900	11,210	560	580	610	2,340	14,060	16,980
2005	470	1,550	8,060	10,080	530	550	580	2,090	12,760	15,400
2006	490	1,480	7,430	9,400	530	560	580	1,970	11,850	14,370
2007	370	1,400	7,520	9,290	390	410	430	1,760	11,850	14,020
2008	350	1,280	6,980	8,620	380	400	420	1,620	10,970	12,990
2009	340	1,180	6,530	8,050	360	380	400	1,500	10,150	12,030
2010	220	990	5,420	6,620	220	240	260	1,240	8,210	9,690
2011	220	1,040	5,430	6,690	220	240	250	1,270	8,420	9,930
2012	210	960	5,460	6,630	210	230	250	1,200	8,510	9,930
2013	230	880	4,590	5,690	220	240	260	1,100	6,930	8,270
2014	210	880	4,530	5,620	210	240	270	1,080	6,910	8,220

1. Estimates are rounded to the nearest ten.

2. Upper and lower range for fatalities based on the 95% confidence interval.

Source: Department for Transport <https://www.gov.uk/government/publications/road-safety-research-and-statistical-reports>  
(2014 data is provisional)

**Table A6: Number of defendants cautioned, proceeded against at magistrates' court, found guilty and sentenced at all courts for summary offences relating to drunkenness, England and Wales, 2005 to 2015**

	Year of appearance										
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>140, Drunkenness, simple</b>											
Cautions issued	770	656	594	833	546	480	557	390	256	154	82
Proceeded against	1,932	1,843	1,646	1,525	1,324	1,158	1,052	869	637	569	348
Convicted	1,691	1,582	1,446	1,350	1,183	1,035	905	772	557	496	305
Sentenced	1,690	1,583	1,447	1,350	1,183	1,036	905	771	558	496	305
Absolute Discharge	38	35	24	29	33	28	27	17	22	21	13
Conditional Discharge	314	260	281	306	309	289	243	184	159	126	88
Fine	1,199	1,128	991	909	762	635	545	508	363	328	186
Total Community Sentence	27	26	33	31	12	6	8	6	2	1	2
Suspended Sentence	-	-	-	-	-	-	-	-	-	-	-
Total Immediate Custody	-	3	3	-	-	-	1	-	-	-	-
Compensation (primary disposal)	-	-	-	-	-	1	-	-	-	-	-
Total Otherwise Dealt With	112	131	115	75	67	77	81	56	12	20	16
Average Custodial Sentence Length	-	-	-	-	-	-	-	-	-	-	-
Average Fine (£)	65	76	75	70	59	64	60	66	66	75	80
<b>141, Drunkenness, with aggravation - disorderly in a public place</b>											
Cautions issued	7,672	4,982	5,306	6,904	5,195	4,463	5,392	4,548	4,433	3,779	3,071
Proceeded against	16,342	16,143	17,911	19,447	20,601	20,581	20,318	17,612	15,988	14,792	12,031
Convicted	14,138	13,939	15,741	17,245	18,331	18,066	17,875	15,731	14,323	13,275	10,834
Sentenced	14,141	13,938	15,739	17,238	18,329	18,058	17,871	15,728	14,309	13,275	10,832
Absolute Discharge	330	321	363	400	440	451	463	533	449	270	366
Conditional Discharge	2,638	2,699	3,294	4,084	4,690	4,791	4,995	4,577	4,010	3,909	3,278
Fine	10,117	9,733	10,532	11,154	11,674	11,069	10,763	9,609	9,317	8,588	6,776
Total Community Sentence	624	762	1,083	990	580	432	319	179	148	144	112
Suspended Sentence	1	-	2	2	-	3	1	2	10	5	9
Total Immediate Custody	7	6	2	-	-	-	4	2	4	5	7
Compensation (primary disposal)	1	2	6	3	5	7	2	5	4	2	5
Total Otherwise Dealt With	423	415	457	605	940	1,305	1,324	821	367	352	279
Average Custodial Sentence Length	0	1	-	-	-	-	-	-	-	1	3
Average Fine (£)	71	75	77	79	73	73	72	75	77	82	84
<b>141 Drunkenness, with aggravation - other</b>											
Cautions issued	147	139	212	224	220	228	281	263	266	217	200
Proceeded against	297	265	288	349	355	344	319	307	265	277	268
Convicted	239	213	234	293	313	286	278	270	244	244	228
Sentenced	239	212	234	294	312	286	280	272	244	244	231
Absolute Discharge	2	4	7	2	6	3	1	5	-	5	-
Conditional Discharge	94	83	71	108	108	108	107	114	98	88	80
Fine	87	72	76	82	96	82	96	72	84	87	72
Total Community Sentence	43	40	70	77	86	68	56	63	44	50	59
Suspended Sentence	-	3	3	5	7	5	9	8	9	4	10
Total Immediate Custody	6	3	4	6	7	12	5	8	3	1	4
Compensation (primary disposal)	-	1	-	3	-	-	-	1	1	-	2
Total Otherwise Dealt With	7	6	3	11	2	8	6	1	5	9	4
Average Custodial Sentence Length	1	-	-	1	1	1	1	1	-	-	-
Average Fine (£)	100	89	101	92	89	101	83	104	100	128	109
<b>143D Sale of alcohol to, or obtaining alcohol for a person who is drunk</b>											
Cautions issued	1	0	5	0	1	0	0	1	2	1	0
Proceeded against	0	2	7	18	8	4	13	19	11	4	6
Convicted	0	1	1	7	6	4	6	11	6	2	0
Sentenced	0	1	1	7	6	4	6	11	6	2	0
Absolute Discharge	0	0	0	1	0	1	0	1	0	0	0
Conditional Discharge	0	0	0	2	1	0	0	4	1	0	0
Fine	0	1	1	4	5	3	6	6	5	2	0
Total Community Sentence	0	0	0	0	0	0	0	0	0	0	0
Suspended Sentence	0	0	0	0	0	0	0	0	0	0	0
Total Immediate Custody	0	0	0	0	0	0	0	0	0	0	0
Compensation (primary disposal)	0	0	0	0	0	0	0	0	0	0	0
Total Otherwise Dealt With	0	0	0	0	0	0	0	0	0	0	0
Average Custodial Sentence Length	0	0	0	0	0	0	0	0	0	0	0
Average Fine (£)	0	0	0	0	294	0	224	190	239	0	0

1. - = Nil. As part of additional quality assurance in 2015, a number of offence codes were reclassified between offence types to better reflect their legal basis. This applies from 2011, and may create apparent discontinuities between 2010 and 2011. Additionally, in order to reclassify caution and remand data, new data extracts were prepared, meaning there will be some small differences from previously published figures and other totals.

2. The figures given in the table relate to defendants for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

3. Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Source: Ministry of Justice <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-march-2015>

**Table A7: Number of defendants cautioned, proceeded against at magistrates' court, found guilty and sentenced at all courts for summary offences relating to the sale of alcohol to persons under 18, England and Wales, 2005 to 2015**

	Year of appearance										
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>143A Sale of alcohol to a person aged under 18</b>											
Cautions issued	1	36	33	28	39	32	23	15	11	23	6
Proceeded against	29	440	620	409	423	316	250	237	177	101	89
Convicted	21	317	479	327	351	277	209	208	142	83	73
Sentenced	21	317	479	327	351	277	209	208	142	83	73
Absolute Discharge	0	5	6	1	1	0	2	2	0	0	1
Conditional Discharge	4	31	44	29	19	26	22	18	16	11	4
Fine	17	278	425	291	331	250	185	186	124	70	68
Total Community Sentence	0	0	4	0	0	0	0	0	0	1	0
Suspended Sentence	0	0	0	0	0	0	0	0	0	0	0
Total Immediate Custody	0	0	0	0	0	0	0	0	0	0	0
Compensation (primary disposal)	0	0	0	0	0	0	0	0	0	0	0
Total Otherwise Dealt With	0	3	0	6	0	1	0	2	2	1	0
Average Custodial Sentence Length	0	0	0	0	0	0	0	0	0	0	0
Average Fine (£)	251	324	375	397	310	311	329	310	299	521	400
<b>143B Buying, attempting to buy or delivering alcohol to persons aged under 18</b>											
Cautions issued	2	13	14	20	9	6	13	8	2	6	3
Proceeded against	0	20	18	43	30	26	26	14	9	1	6
Convicted	0	14	16	28	25	19	21	11	5	1	4
Sentenced	0	14	16	28	25	19	21	11	5	1	4
Absolute Discharge	0	0	0	0	0	0	0	0	0	0	0
Conditional Discharge	0	7	2	4	8	2	2	2	2	0	1
Fine	0	6	13	24	17	17	19	9	3	1	3
Total Community Sentence	0	1	0	0	0	0	0	0	0	0	0
Suspended Sentence	0	0	0	0	0	0	0	0	0	0	0
Total Immediate Custody	0	0	0	0	0	0	0	0	0	0	0
Compensation (primary disposal)	0	0	0	0	0	0	0	0	0	0	0
Total Otherwise Dealt With	0	0	1	0	0	0	0	0	0	0	0
Average Custodial Sentence Length	0	0	0	0	0	0	0	0	0	0	0
Average Fine (£)	0	88	115	126	126	103	162	156	0	0	0
<b>143C Purchase of alcohol by a person aged under 18</b>											
Cautions issued	2	13	14	20	9	6	13	8	2	6	3
Proceeded against	0	20	18	43	30	26	26	14	9	1	6
Convicted	0	14	16	28	25	19	21	11	5	1	4
Sentenced	0	14	16	28	25	19	21	11	5	1	4
Absolute Discharge	0	0	0	0	0	0	0	0	0	0	0
Conditional Discharge	0	7	2	4	8	2	2	2	2	0	1
Fine	0	6	13	24	17	17	19	9	3	1	3
Total Community Sentence	0	1	0	0	0	0	0	0	0	0	0
Suspended Sentence	0	0	0	0	0	0	0	0	0	0	0
Total Immediate Custody	0	0	0	0	0	0	0	0	0	0	0
Compensation (primary disposal)	0	0	0	0	0	0	0	0	0	0	0
Total Otherwise Dealt With	0	0	1	0	0	0	0	0	0	0	0
Average Custodial Sentence Length	0	0	0	0	0	0	0	0	0	0	0
Average Fine (£)	0	88	115	126	126	103	162	156	0	0	0

1. - = Nil. As part of additional quality assurance in 2015, a number of offence codes were reclassified between offence types to better reflect their legal basis. This applies from 2011, and may create apparent discontinuities between 2010 and 2011. Additionally, in order to reclassify caution and remand data, new data extracts were prepared, meaning there will be some small differences from previously published figures and other totals.

2. The figures given in the table relate to defendants for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

3. Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Source: Ministry of Justice <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-march-2015>

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## Annex B – Response to the recommendations from the Culture, Media and Sport Select Committee’s report The Licensing Act 2003 (HC 492)

Recommendation	Changes to the LA2003, relevant secondary legislation, or s.182 guidance made as a result
<p>The Government should evaluate the licensing forms with the aim of making them more user friendly and reducing the level of error. The Government should also make clear to licensing authorities that licensing applications containing minor errors should be amended, not rejected.</p>	<p>Prescribed revised versions of forms under the LA2003 were made in 2012 as a consequence of amendments to the LA2003 by the Live Music Act 2012. In particular, the 2012 Act amended Schedule 1 to the LA2003 to remove the provision of entertainment facilities from the definition of what constitutes the provision of regulated entertainment under that Act. As a result of this, references to the provision of entertainment facilities in each of the previous versions of the forms were removed.</p> <p>Chapter 8.25 of the guidance published in March 2015 also states that:  <i>The Government recommends (as for written applications) that electronic applications should not be returned if they contain obvious and minor errors such as typing mistakes, or small errors that can be rectified with information already in the authority’s possession.</i></p>
<p>In the case of not-for-profit clubs, only the bar area should be taken into account when assessing the rateable value of the premises for the purposes of determining the appropriate licensing fee.</p> <p>All sports clubs should be placed in a fee band based upon 20% of their rateable value.</p>	<p>No changes to licensing fees.</p> <p>Fees are charged on the basis of recovering the full cost of administering the licensing system. There can be no cross subsidy of one part of the licensing system by another.</p>
<p>The Government should consider how to implement a national database to allow law enforcement agencies and licensing authorities to share information more effectively and to consider which would be the most appropriate authority to maintain it.</p>	<p>No changes. There are no plans to establish a national licensing database.</p>
<p>The period for transferring a personal licence following the death of the licensee should be extended from 7 days to 21 days.</p>	<p>The LA2003 does not allow for personal licences to be transferred. Personal licences cannot be transferred because it is specific to the individual and is granted subject to the applicant having attained a personal licence qualification and a criminal record check.</p> <p>In respect of a <u>premises</u> licence the period was</p>

	<p>extended from 7 days to 28 days in 2010 via the Legislative Reform (Licensing) (Interim Authority Notices etc) Order. 2010/2452. It is possible that this recommendation has referred to personal licences in error.</p>
<p>The Government should make clear that changes to a licence for live music can be made using the minor variations procedure.</p>	<p>This recommendation is no longer relevant, given the reforms started by the Live Music Act 2012.</p>
<p>In addition to the police, councillors should be able to object to a TEN and the period for making such objections should be three working days.</p>	<p>The Police Reform and Social Responsibility Act 2011 extended right to object to a TEN to the Environmental Health Authority. The Police Reform and Social Responsibility Act 2011 also extended the period for making an objection to a TEN from two days to three days.</p> <p>There are no plans to extend the right to object to local councillors.</p>
<p>We believe the time is right for a modest increase in the number of TENs which can be applied for and a relaxation of the number which can be applied for per person. We are satisfied that ... an increase in the number of TENs per year and the number which an individual can apply for to 15 provides a reasonable balance between meeting the needs of those who use TENs and protecting the public.</p>	<p>The Deregulation Act 2015 increased the number of times a TEN may be used for a given premises to 15. This change came into effect on 1 January 2016.</p> <p>There have been no changes to the number of times an individual may give a TEN.</p>
<p>The Government should consider implementing a reduction in the cost of applying for a TEN in order to lessen the burden on voluntary, community and not-for-profit groups.</p>	<p>The Deregulation Act 2015 created a Community and Ancillary Sales Notice. This light touch authorisation will enable community groups (and small accommodation providers) to sell small amounts of alcohol that are ancillary to the main services they provide. The notice will last for three years and the fee will be less than the cost of giving multiple TENs. This provision is yet to be commenced.</p>
<p>The density of venues in a particular area should always be a consideration taken into account by a Licensing Authority when considering an application for a premises licence, in order to ensure that the police and other authorities are able to adequately ensure the maintenance of public order, and that the s182 guidance should be altered to reflect this.</p>	<p>S182 guidance makes clear that licensing authorities may take the density of premises into account through a cumulative impact policy, which may form part of the Licensing Authority's statement of licensing policy.</p> <p>The Government committed to make cumulative impact policies statutory in the Modern Crime Prevention Strategy, published on 23 March 2016.<sup>28</sup></p>

<sup>28</sup> <https://www.gov.uk/government/publications/modern-crime-prevention-strategy>

<p>The Government should continue to promote partnership working as the most effective method to deal with licensing related issues.</p>	<p>No changes to the LA2003, secondary legislation or s182. The Government continues to promote partnership working, through schemes such as Best Bar None, Pubwatch, Community Alcohol Partnerships and Purple Flag.</p>
<p>S182 guidance should be amended to make clear that it is disproportionate to revoke a shopkeeper's licence to sell alcohol due to the presence of an out-of-date food item in their store.</p>	<p>This change was not made to the s182 guidance and there are no plans to do so. The guidance provides information about appropriate use of the review process but can not address every possible scenario.</p>
<p>The Government should address the problem of trade associations potentially breaching competition law by issuing guidance on responsible promotions. If necessary, this should include legislation.</p>	<p>The Mandatory Licensing Conditions Order 2010 introduced a ban on irresponsible promotions. 'Irresponsible promotions' include drinking games, the provision of large quantities of alcohol for free or a fixed price, the provision of free or discounted alcohol to encourage or reward the purchase or consumption of alcohol, or the sale of alcohol in association with promotional material which condones, encourages or glamorises anti-social behaviour or the effects of drunkenness.</p>
<p>The Government should exempt venues with a capacity of 200 persons or fewer from the need to obtain a licence for the performance of live music. Venues of any size should be able to put on a performance of non-amplified music by one or two musicians without the need for a licence.</p>	<p>Performances of live music and any playing of recorded music have now been deregulated in alcohol-licensed premises between 8am to 11pm (on the same day) for audiences of up to 500 people, where certain conditions are met.</p> <p>A performance of unamplified live music is no longer licensable if it takes place between 8am to 11pm (on the same day).</p> <p>The LA2003 contains a mechanism whereby such activities may be made licensable and subject to conditions, where this is to protect the licensing objectives from a threat caused by those activities.</p>
<p>Form 696 should be scrapped.</p>	<p>Form 696 is a Metropolitan Police initiative.</p>
<p>S182 guidance should be reviewed and reworded to remove the overt linkage of live music with public disorder.</p>	<p>The statutory guidance has been very substantially reworked in the wake of the Live Music Act 2012 and other deregulatory measures since.</p>
<p>The Government should consult on amending s182 guidance to provide an exemption from the licensing regime for low risk activities which add to communities' cultural life</p>	<p>The Deregulation Act 2015 created a Community and Ancillary Sales Notice. This light touch authorisation will enable community groups (and small accommodation providers) to sell small amounts of alcohol that are ancillary to the main services they provide. The notice will last for three years and the fee will be less than the cost of giving multiple TENS. This provision is yet to be commenced.</p>

<p>The Government should consult on the possibility of amending s182 guidance to exempt some forms of low-risk, small-scale travelling entertainment such as Punch and Judy shows from the requirement to obtain a licence.</p>	<p>The Coalition Government oversaw the deregulation of a broad range of lower-risk activities. Punch and Judy shows were regarded by some local authorities as the performance of a play.</p> <p>Performances of a play are now no longer licensable provided they meet certain conditions (e.g. it takes place between 8am to 11pm on the same day before an audience of no more than 500 people).</p>
<p>The Government should bring forward amendments in the Policing and Crime Bill<sup>29</sup> to establish a new class of venue under schedule 3 of the Local Government (Miscellaneous Provisions) Act. Legislation should make it mandatory for councils to license lap dancing establishments under this statutory regime, and not the Licensing Act 2003</p>	<p>The Policing and Crime Bill<sup>30</sup> introduced a new category of sex establishment, called a 'sex entertainment venue', under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.</p> <p>This category covers lap dancing clubs and similar venues that provide live performances or live displays of nudity which "must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating a member of the audience".</p> <p>The provision of such "relevant entertainment" is regulated by the 1982 Act, allowing local people a greater say, while the provision of alcohol and 'regulated entertainment' continue to be authorised under the LAct2003.</p>
<p>Licences for lap dancing establishments should be granted for a period of five years, with the safeguard that any interested party or relevant authority should be able to request a review of a licence at any time.</p>	<p>The Local Government (Miscellaneous Provisions) Act 1982<sup>31</sup> licenses sexual entertainment venues for one year (or shorter period if the appropriate authority thinks fit).</p> <p>There is no mechanism for an interested party or relevant authority to request a review outside the licensing process, but evidence provided by these parties can be taken into account when an application is made to extend a licence. Licences for sexual entertainment venues can be revoked at any time.</p>

<sup>29</sup> Now the Policing and Crime Act 2009

<sup>30</sup> Now the Policing and Crime Act 2009

<sup>31</sup> As amended by the Policing and Crime Act 2009

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