

 Regulatory Policy Committee	Opinion	
Impact Assessment (IA)	Temporary Event Notices (TENs): Reducing the burdens of the Licensing Act 2003	
Lead Department/Agency	Home Office	
Stage	Final	
IA number	Not provided	
Origin	Domestic	
Expected date of implementation (and SNR number)	To be confirmed	
Date submitted to RPC	05/06/2013	
RPC Opinion date and reference	25/06/2013	RPC13-HO-1498(3)
Overall Assessment	GREEN	
<p>RPC comments</p> <p>The IA is fit for purpose. The IA provides a reasonable assessment of the likely costs and benefits of the proposals. The IA, however, should provide a clearer explanation of the rationale for the preferred option.</p>		
<p>Background (extracts from IA)</p> <p>What is the problem under consideration? Why is government intervention necessary?</p> <p>The Government is committed to removing unnecessary regulation and making the process of licensing as easy as possible for responsible businesses. The policy objective is therefore to increase the number of Temporary Event Notices (TENs) allowed each year. This will support growth and reduce the administrative burdens of the Licensing Act 2003 (“the 2003 Act”) without undermining the licensing objectives</p> <p>What are the policy objectives and the intended effects?</p> <p>To reduce the unnecessary bureaucratic burdens of the licensing process caused by the current limit on the number of TENs permitted, without undermining the four objectives of the Licensing Act 2003: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.</p>		
<p>Comments on the robustness of the OITO assessment</p> <p>The IA says that it is a deregulatory proposal (an OUT) with an Equivalent Annual Net Cost to Business of -£0.2m. This is consistent with the current Better Regulation Framework Manual (paragraph 1.9.11) and provides a reasonable assessment of the likely impacts.</p>		
<p>Comments on the robustness of the Small & Micro Business Assessment (SMBA)</p> <p>The proposals do not regulate business and therefore the SMBA is not applicable.</p>		

Quality of the analysis and evidence presented in the IA

Rationale for the preferred option. Alongside the ‘do nothing’ scenario, the IA includes two options – increasing the limit of TENs from 12 to 15 per year (the Department’s preferred option) and increasing the limit to 18. The IA states that the expected net benefits of increasing the TENs limit to 18 are greater than for an increase to 15 (as expressed by the net present values (NPV) of the options) and does not set out any non-monetised costs or benefits that might alter the relative positions. As the preferred option appears to deliver less net benefit to the UK, the IA should include information on the comparative risks of the two options to support the rationale for the preferred option. For example, without further information it is unclear the extent to which the higher TENs limit “*may ... involve greater risks to the safeguarding of the licensing objectives*” (page 13) and whether these risks outweigh the additional benefits of that option.

Public consultation. The consultation sought views on increasing the limit for the number of TENs that can be used at any single premises in a year and “*the majority (389, 52% of 748 who responded) did not think that the number of TENs should be increased*” and “*of those 345 respondents who indicated which limit for the number of TENs which can be given in respect of individual premises they preferred, the majority (229, 66%) thought the limit should be increased to 18 with 50 respondents (14%) expressing a preference for increasing the limit to 15.*” (page 7). As the Department’s preferred option, in relation to the preferred limit for the number of TENs, goes against the majority of the consultation responses the IA would benefit from including a fuller explanation of how the consultation responses have been reflected in that decision.

Community and Ancillary Notice (CAN). The IA identifies the development of CANs, to enable community groups to hold events at which small amounts of alcohol are sold up until 11pm, as a key interdependency for the TENs proposals. The assessment of the impacts of the CAN proposals, once developed, will need to provide greater detail on how they will interact with TENs and the expected impact on numbers of both TENs and CANs.

Signed



Michael Gibbons, Chairman