



NEWS

LICENSING ACT "FUNDAMENTALLY FLAWED", RULES LORDS

A House of Lords committee has completed its ten-month inquiry into the Licensing Act 2003, finding the legislation is in need of a "radical overhaul"

By IQ on 04 Apr 2017



The Licensing Act 2003, which governs the issuing of entertainment licences for live music in the UK, is "fundamentally flawed", a House of Lords committee has found.

Among the recommendations of the **Licensing Act 2003 committee**, which led a ten-month inquiry into the legislation, are the abolition of local-authority planning committees, with licensing instead integrated with planning applications; the abolition of 'late-night levies' – or extra charges levied on venues to pay for the cost of policing – which were described as "fundamentally wrong in principle and in practice"; and setting of licensing fees by local government rather than nationally.

The committee also said the agent-of-change principle – which "would require anyone instigating a new building development or a change in land use [...] to take into account the nearby properties and their functions", and was **introduced in a limited form last summer** – should be adopted nationally in in both planning and licensing guidance, "to help protect both licensed premises and local residents from consequences arising from any new built development in their nearby vicinity".

The inquiry additionally recommended that disabled people's access be considered when granting licences, stating: "Scotland's example should also be followed in helping disabled people to access licensed premises by requiring an application for a premises licence to include a disabled access statement."

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"Pubs, clubs and live music venues are a vital part of our cultural identity. Any decline in our cities' world-famous nightlife ought to be prevented and the businesses supported. But the night-time economy needs regulating; even in these areas of cities, residents have their rights. The current systems – **early-morning restriction orders** and late-night levies – are not being used because they do not work."

Industry umbrella group UK Music welcomed the Lords' recommendations, but expressed its disappointment at the **failure of an amendment to the act** that would have required local authorities to consider the "social or cultural benefits" of venues when granting licences.

Its chief executive, Jo Dipple, says: "We agree with the committee when it says the Licensing Act is fundamentally flawed. That is why the **Live Music Act** was unanimously supported when proposed as a private-member's bill by Lord Clement-Jones. It is welcome, therefore, that the Lords' committee report clearly recognises the impact of the Live Music Act. UK Music agrees that more needs to be done to spread awareness of its benefits to local and national government.

"UK Music asks government to take forward the Lords suggestion that a full agent-of-change principle for planning and licensing guidance be introduced. If implemented, recommendations to introduce an agent-of-change principle and ditch the late-night levy will make a big difference to the provision of music across the UK's cities and regions. A proposed 'fifth objective' for licensing decisions, which would enable local authorities to weigh up positive cultural impacts, would also have helped, and it is a pity the committee did not accept this."

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