

16 January 2012

**Item 6**

## **Update on Regulatory Services issues**

### **Purpose of report**

For information.

### **Summary**

This report provides an update on developments affecting Regulatory Services that will be of interest to the Safer and Stronger Communities Programme Board.

### **Recommendation**

That the Board notes the activities outlined.

### **Action**

Officers to progress as appropriate.

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**Update on Regulatory Services issues**

**Background**

1. The following update sets out some current issues of relevance to local authority Regulatory Services and their contribution to safer and stronger communities.

**Key Issues**

Department for Culture Media & Sport (DCMS) consultation on deregulating entertainment events

2. The DCMS consultation on proposals to deregulate all events attended by less than 5000 peoples has closed. The LGA submitted its response on 1 December 2011.
3. The consultation contained many sensible proposals but our overall response was that deregulation should be balanced with the need to protect people who attend public events, as well as people living nearby. We argued that deregulation should be based on risk rather than on numbers attending; allowing low-risk events such as school plays to take place while still regulating high-risk events like boxing and wrestling.
4. DCMS received over 4,000 responses to this consultation and does not expect to announce findings before mid February. Early, informal feedback from contacts is that the numbers threshold is not popular.
5. The Live Music Private Members Bill aims to deregulate the playing of live music at events with fewer than 200 people. Cllr Chris White met with the sponsor of the Bill to discuss the proposals and, following consultation with lead members from the Safer Communities and Culture, Tourism and Sport Programme Boards, the LGA decided to support it. A letter to this effect was sent to the Bill Sponsor and read out at the review committee. The Bill now proceeds to Review stage on 20<sup>th</sup> January.

Changes to alcohol licensing regulations

6. The Police Reform and Social Responsibility Act received Royal Assent in September 2011. It introduces key initiatives such as Police Commissioners, but also sets out a number of amendments and reforms to the Licensing Act of 2003 as it relates to alcohol licensing.



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7. A. Changes include:
- 7.1 setting local fee levels and raising a local levy;
  - 7.2 making representations on licensing applications as a council;
  - 7.3 working more closely with applicants;
  - 7.4 increased fines for persistently selling alcohol to children;
  - 7.5 a reformed temporary event system, making it easier for applicants to apply for permission;
  - 7.6 setting hours during which alcohol cannot be sold; and
  - 7.7 suspending licenses for non-payment of fees.
8. It is expected that the new powers will come into force in two waves. The first wave will be enacted in April and will cover everything except locally-set fees; the local levy; and limiting hours during which alcohol cannot be sold. These elements will form the second wave and will be enacted in October 2012, though the LGA has been pushing for the new licence fee structure to be in place for the start of the financial year. The LGA is on working groups to revise the guidance on alcohol licensing and to set a maximum cap for local fees.
9. Cllr Canver reported on the changes in the December issue of *first* magazine. A further briefing is available on the LGA website.

Minimum pricing of alcohol

10. The Government will introduce a minimum charge for alcohol in April. This will ensure that no alcohol can be sold for less than the cost of duty plus VAT. It is estimated that this change will affect less than 1 percent of products sold. It is not yet clear how this will be enforced and by whom, though the LGA have been invited to sit on a Home Office group that will develop guidance on this matter. Over Christmas, several newspapers carried articles reporting that the Prime Minister is pushing for a more ambitious approach.
11. Scotland is also introducing a minimum price for alcohol, but based on a minimum sale cost per unit. The final figure is not set but previous research from Sheffield University has recommended a 50p minimum. Concerns have been expressed that this is not compatible with EU law, but this is not established.
12. In the past the LGA has clearly stated that the cost of duty plus VAT does not go far enough and as it affects such a tiny proportion of products, enforcement will not be a priority for councils.



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Licensing Conference

13. Our Licensing Conference takes place on 26 January and covers the above topics. Councillors Khan, White and Canver will speak on behalf of the LGA.

Gambling

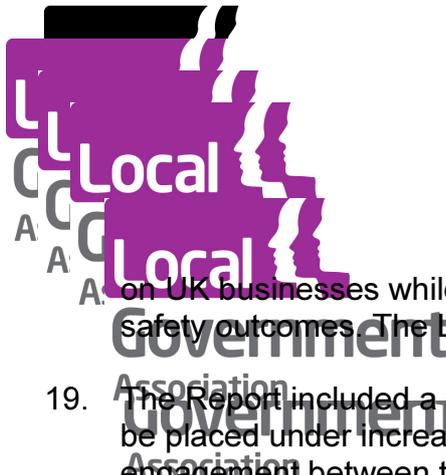
14. In November, Cllr David Parsons CBE presented evidence to the Culture, Sport and Media Select Committee on gambling. Our evidence highlighted that experiences of councils under the Gambling Act 2005 had been generally positive, however some councils were experiencing an increase in clustering of betting shops and problems associated with this. We stressed the need for councils to have increased planning powers to shape local high streets and respond to the concerns of communities. Our evidence was backed by a press release and we continue to work with councils on how to tackle this issue.
15. The LGA has responded to the Gambling Commission consultation on fees to stress the need for continued partnership work with councils. The Commission is proposing to reduce their resource for working on local issues, which will have a direct resource impact on councils. Councils have strong relationships with the Commission at a local level and feel that the proposals will undermine the good working practice that has been established.

CRB checks for taxi licensing

16. In March 2011 the Criminal Records Bureau issued a communication to state that councils could not request enhanced CRB checks as part of the licensing process for drivers of taxis and private hire vehicles. The LGA has been working with Transport for London (TfL), charities and industry representatives to ensure that enhanced CRB checks can still be used by councils to ensure that the public are adequately protected when taking taxis. This culminated in a commitment from the Home Office in September 2011 to move the issue forward, though we have since received no further update on this matter.
17. As a result of an amendment put forward to the Freedoms Bill, the Government have now publicly committed to amending existing legislation enabling councils to request enhanced CRB checks. The LGA continues to work with TfL to ensure this change takes place.

The Lofstedt Report on health and safety

18. In March 2011 the Government announced an independent review of health and safety legislation to be led by Professor Lofstedt. The review was to consider opportunities for reducing the burden of health and safety legislation



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- on UK businesses while maintaining the progress made in improving health and safety outcomes. The Lofstedt Report was published on 28 November 2011.
19. The Report included a recommendation for the enforcement role of councils to be placed under increased direction of the HSE. As a direct result of positive engagement between the LGA Chairman, Cllr Sir Merrick Cockell, and the Rt Hon Chris Grayling MP, the Government response to this recommendation recognises the importance of council services remaining flexible and accountable to the needs of local industry and communities. The LGA continues to work with the HSE on the delivery of the recommendation.
  20. As a result of the Report, the Government also committed to establishing two 'Challenge Panels' to provide a mechanism to address cases where health and safety legislation was misused or over-applied. The first of these was put in place at the start of January 2012 and is focused on ensuring that advice provided to employers by the HSE or councils is sensible, proportionate and fair. The second 'Challenge Panel' will have a wider remit and consider any disproportionate advice provided under the guise of health and safety.
  21. The LGA has worked with the HSE to ensure that the process for referring concerns about health and safety advice given by a council to either Challenge Panel advocates resolution of issues at a local level, including using corporate complaints procedures, before being escalated to the Challenge Panel for their views.

**Dangerous Dogs**

22. We have had meetings with both the Department for Environment, Farming and Rural Affairs (DEFRA) and the Royal Society for the Protection of Cruelty to Animal (RSPCA) to discuss existing dangerous dogs legislation and proposals to revise it. This follows a consultation in May 2010 by DEFRA. The LGA response raised concerns over the existing high costs for kennelling dogs, limits on powers to serve improvement notices to owners, and on proposals for mandatory micro-chipping. DEFRA anticipates revisiting the issue in Spring 2012. It appears that few, if any, of the LGA concerns will be addressed in their response.
23. We have been separately approached by the RSPCA, representing a collective of interested organisations, to discuss a private members bill to address the issue. The bill is in draft stage and does not yet have a sponsor to take it through Parliament. However, we are informed that a number of MPs, including DEFRA Ministers, are interested in supporting the proposals. The draft bill does not fit completely with the LGA position, most notably in supporting mandatory



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A. micro-chipping, but does represent a significant improvement over the existing DEFRA position.

24. We will be working further with the RSPCA to shape the draft bill and potentially negotiate amendments where needed in advance of its presentation to Parliament. In the meantime, the organisations involved will be holding a parliamentary briefing session on Tuesday 31 January at 15.00. The LGA has been asked to provide a speaker to discuss the public protection issues relating to Dangerous Dogs.