

3 March 2014

Regulatory services update

Purpose

For information.

Summary

This report provides an update on LGA policy work and developments affecting regulatory services that will be of interest to the Safer and Stronger Communities Board.

Recommendation

That the Board notes the activities outlined.

Action

Officers to progress as directed.

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Regulatory services update

Rewiring Licensing

1. At the annual licensing conference on 4 February, we launched *Rewiring Licensing*, our licensing reform proposals. The opening conference session, led by Tony Page and Kate Nicholls from the Association of Licensed Multiple Retailers, indicated several areas of common ground between councils and industry, on licensing and other issues (notably planning). The proposals received a positive response from the audience of officers and councillors, and have been met with interest and some support from elsewhere, including the trade (alcohol, betting shops) and related stakeholders (eg Public Health England).
2. Members will be aware that we secured a significant amount of print and radio coverage in the run up to the conference by focusing on our call for stronger licensing powers that would enable councils to address betting shop clustering on high streets. Both William Hill and BetFred have come out in support of this approach (see separate paper on betting shops).
3. *Rewiring Licensing* has been circulated to relevant government Ministers at the Home Office, Defra, BIS and DCMS, with a request for meetings to discuss the proposals. Additionally, the paper has been shared with a number of APPGs and LGA Vice Presidents in Parliament as well as relevant industry representatives, lobby groups and interested bodies, including Public Health England, the Law Commission, British Beer and Pub Association, Alcohol Concern and the Gambling Commission.
4. Our future activity on licensing reform will be two-pronged, focusing both on working with councils to explore what they can do independently of legislative reform and on lobbying government to implement reform.
5. We intend to work closely with a number of councils, funded by BRDO (who are very supportive of the proposals to streamline licensing), to explore what councils can achieve independently of legislative reform.
6. We will also be working with the LGA's campaigns team to formulate a lobbying campaign focusing on the reform proposals. Options include:
 - 6.1. Establishing a Betting Shop Taskforce with BetFred and other participants, to scope out joint recommendations for stronger licensing controls.
 - 6.2. A workshop on licensing and betting shops at annual conference in July.
 - 6.3. Parliamentary activity, including seeking to insert an amendment to the Deregulation Bill initiating a government wide review of licensing; lobbying for a BIS / CLG select committee inquiry into licensing; a Westminster Hall debate, use of Early Day Motions etc.
 - 6.4. Ongoing press activity highlighting specific areas for reform.
 - 6.5. Ministerial meetings

6.6. Joint LGA / business, or LGA / stakeholder (eg Public Health England) lobbying on areas of common interest

6.7. Campaign style activity, eg petitions

7. A meeting has been arranged with the LGA's new campaigns manager to shape this into a coherent campaign plan.

Consultation on local licensing fees

8. On February 13, the Home Office finally published the long awaited consultation paper on locally set licensing fees. We are disappointed by the consultation, which is unnecessarily complex and proposes to set fee caps, which we see as being inconsistent with the principle of locally set fees.

9. However, the consultation nonetheless provides an opportunity to reduce the current subsidy of licence fees by taxpayers, and we are therefore encouraging councils to respond, and supporting Home Office officials to run a consultation workshop.

Consumer Rights Draft Bill

10. Following lobbying by the LGA and Trading Standards Institute (TSI), the government has amended the draft Consumer Rights Bill in relation to the exemptions to the requirement for 48 hours' notice of inspection visits. There remains, however, a degree of uncertainty as to whether the exemptions would extend to inspection visits undertaken where there is a known risk relating to an area or activity rather than to a specific premise. The government is taking a broad approach on this point, while TSI's legal advice is that it is doubtful the exemption would apply in these circumstances. We intend working with TSI to seek assurances on this point.

Community pubs briefing

11. We contributed to an LGA briefing on community pubs ahead of a parliamentary debate on a code of conduct for pub companies. CAMRA, in particular, welcomed our call for the end to restrictive covenants preventing the transfer of pubs into community ownership and leading to them being turned into housing or supermarkets. The briefing was discussed during the debate and picked up by national newspapers.

Year Ahead conference and APPG activity on regulatory services

12. Board members have represented the LGA / wider sector at a number of regulatory events.

12.1. Cllr Nick Worth attended the APPG on Consumer Affairs and Trading Standards session on 4 February to consider the impact of cuts on trading standards services.

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- 12.2. Cllr Nick Worth also gave the keynote address at the Year Ahead conference in Stratford on 13 February. The speech recognised the challenging circumstances regulatory services are in, but urged delegates to think about how regulatory services can be delivered differently.
- 12.3. Cllr Tony Page attended the APPG on Alcohol Misuse meeting on licensing 24 February.