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Licensing Act 'fundamentally flawed'





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The Licensing Act, introduced over 11 years ago, is “fundamentally flawed” and the Late Night Levy should be scrapped and minimum pricing introduced.

Those are some of the findings from a House of Lords Committee which looked into the Licensing Act, and made its [recommendations in a report today](https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/14602.htm) (<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/14602.htm>).

The report also said that the creation of new licensing committees for local authorities to deal with licensing was a “substantial error” and that planning committees were more “effective and reliable and well-equipped” to make licensing decisions.

The report recommended that planning committees should take over the licensing function.

It said that the Late Night Levy does not pay for the cost of policing as intended and that in its current form is “fundamentally wrong in principle and in practice”.

“Unless amendments already made prove effective, the Late Night Levy should be repealed,” it concluded.

On minimum pricing it added: “The legality of Minimum Unit Pricing is still under consideration by the Supreme Court. If it is found to be lawful and is introduced in Scotland, and is found to be effective in cutting down excessive drinking, England and Wales should follow Scotland’s lead.”

It also recommended that Scotland’s example should be followed in helping disabled people to access licensed premises by requiring an application for a premises licence to include a disabled access statement.

It added that there was “no justification” for the Licensing Act not applying to sales airside at airports.

Chairman of the committee, Baroness McIntosh of Pickering, said: “It was a mistake and a missed opportunity to set up new licensing committees when the planning system was already available to regulate the use of land for many different purposes. The planning system is well suited to dealing with licensing applications and appeals, and the interests of residents are always taken into account.

“The Committee was shocked by some of the evidence it received on hearings before licensing committees. Their decisions have been described as ‘something of a lottery’, ‘lacking formality’, and ‘indifferent’, with some ‘scandalous misuses of the powers of elected local councillors’.

“Pubs, clubs and live music venues are a vital part of our cultural identity. Any decline in our cities’ world-famous night life 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.”

Commenting on the findings, Association of Licensed Multiple Retailers (ALMR) CEO, Kate Nicholls, welcomed the committee’s views on the Late Night Levy and EMROs, and the licensing of airport pubs and bars.

She said: “The Lords Committee has gained an accurate insight into the flaws of local committees and the analysis of the problem, but some of the recommendations need further consideration. Licensing is the very cornerstone of licensed operators’ business viability, and should appropriately be accorded a quasi-judicial status. A better understanding of licensing can be achieved through improved training of licensing officers. At present there is too much variation in how applicants are treated; the sector needs closer standardisation.

“Licensing and planning are very separate issues, albeit both crucial to operators, and should be treated separately. Without standardisation and more detailed regulation of hearings, we would be better off handing these matters back to Magistrates.