

# UK alcohol licensing 'fundamentally flawed'

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The UK government made a "substantial error" in placing alcohol licensing responsibility under local authority control, and the "fundamentally flawed" system should be scrapped, a House of Lords Committee has found.



Baroness McIntosh of Pickering, chairman of the House of Lords Select Committee on the Licensing Act 2003

The House of Lord Select Committee on the Licensing Act 2003, established in May 2016 to scrutinise current legislation, said it was "shocked" by some of the evidence it received.

In a far-reaching series of findings and recommendations released today, the committee branded the existing licensing system as "something of a lottery", "indifferent" with some "scandalous misuses of the powers of elected local councillors".

In what would mark a significant shake-up of licensing legislation, the committee recommends immediately integrating licensing with planning applications which are "much more effective, reliable and well-equipped" to make licensing decisions.

Licensing fees should be set locally, not nationally, the findings state, and the committee recommends disabled access statements be provided alongside premises licensing applications.

The group is critical of the government's decision not to apply the Licensing Act to sales at airports, and also calls for the Late Night Levy to be scrapped as it "does not pay for the cost of policing as intended" and is "fundamentally wrong in principle and practice".

In addition, the committee calls for minimum unit pricing to be introduced across the UK, but only if it is found to be lawful and proves effective in cutting drinking rates in Scotland.

The Committee heard evidence from a number of stakeholders during the course of its private evidence sessions, including from the Wine & Spirits Trade Association (WSTA) and other industry groups, MPs, law enforcement, retailers, health bodies, resident groups and music industry representatives.

"The Act is fundamentally flawed and needs a major overhaul," said Baroness McIntosh of Pickering, chairman of the House of Lords Select Committee on the Licensing Act 2003.

"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.

"We cannot understand why the Government has decided not to apply the Act to sales at airports. This can lead to dangerous situations, and must be changed. "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 are not being used because they do not work."

The trade has so far given the findings of the review a mixed reception.

Miles Beale, WSTA CEO, said: "There are some recommendations in the Committee's report that the WSTA can welcome, for example around the simplification of the licensing process, scrapping the Late Night Levy and rejecting calls for further licensing objectives. However the recommendation of a major overhaul including a series of new licensing regulations, that would add significant burdens and costs to retailers, is not sensible.

"This is particularly the case after so many incremental changes to the Act and at a time when businesses are already dealing with inflation busting rises in wine and spirits duty, the costly revaluation of business rates and the uncertainty of Brexit.

"Specific recommendations around minimum pricing, a swath of new licensing restrictions and locally set fees would result in a significant additional cost to retailers and make the licensing system even more complex. In that regard the negative impact of these changes would far outweigh any benefit the small number of positive changes would bring.

"Trends in government data show indisputably that the UK has been drinking ever more responsibly over the last ten years – with consumption dropping by a fifth. Underage drinking continues to decline and is now at its lowest recorded level. That is not by accident, and is instead the result of the combination of robust voluntary schemes, education and a collaborative industry working in partnership with government."

In 2015, a House of Lords committee criticised the EU's alcohol strategy (<https://www.thespiritsbusiness.com/2015/03/house-of-lords-criticises-eu-alcohol-strategy/>) saying it "achieved little" and urged member states to focus on taxation and labelling to tackle problem drinking

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