

## LORDS CALL FOR LOCAL LICENSING COMMITTEES TO BE SCRAPPED

4th April, 2017 by Arabella Mileham

A house of Lords Committee has called for the scrapping of local authority licensing committees, arguing that the system had proved a "lottery" that was open to "scandalous misuses of the powers of elected local councillors".



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

The House of Lords Select Committee on the Licensing Act 2003 was set up to look into the 2003 Act, arguing that the legislation had been party to a patchwork of frequent "piecemeal" reforms and recommendation, leading it to become "fundamentally flawed".

The legislation was originally enacted to provide greater freedom to the hospitality and leisure industry, more choice to consumers, and the authorities more powers to deal with misuses, but the chairman of the committee, Baroness McIntosh of Pickering, argued that the statute was due for a one-off "radical" overhaul to reform how it will operate in future.

She said the committee's primary recommendation was to look at the way licensing committees have been operating, as there had been major criticisms. The committee said the evidence against local authority licensing committees was described as "damning" and it had been "shocked" by some of it. Licensing committee' decisions lacked "coherence", while councillors tended not to be very well trained and there had been "scandalous misuses of the powers of elected local councillors".

The Committee recommended that co-ordination between the licensing and planning systems should begin immediately in all local authorities and that fees for licensing should be set locally, rather than nationally.

"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," she argued, noting that the planning system was "well suited" to dealing with licensing applications and appeals, and took into account the interests of residents.

It also argued that the Late Night Levy is not effective in paying for the cost of policing as was intended, stating that "in its current form it is fundamentally wrong, in principle and practice" and should be repealed, along with Early Morning Restriction Orders, which have not been introduced by any local authority.

"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," she added.

Although pricing policy to influence alcohol consumption lies outside the remit of the committee, it took evidence on minimum unit pricing (MUP) in England, concluding that MUP should be introduced in England and Wales, if the Supreme Court allow the Scottish government to bring in MUP in Scotland and Holyrood deems it successful in Scotland. It also urged the government to continue to look at other ways in which taxation and pricing could be used to control "excessive consumption".

In July 2016, the House of Lords Licensing Act 2003 Committee published its intention to investigate the effectiveness of the Licensing Act, with a report on its findings due in early 2017.

At a hearing in November, representatives from three supermarkets told the House of Lords there was no sales evidence to suggest consumers were 'pre-loading' at the weekends, arguing that demonising home-drinking by using pejorative terms that was at odds with the way people drink in the home was too simplistic and and did not reflect the way shopper habits have changed.

"There is the possibility of romanticising the on-trade, but not all pubs are on a village green with a responsible adult taking care of the young guns... it isn't like that," Nick Head, Sainsbury's head of legal services said.

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