

Lord's Committee Licensing Act review could have far-reaching consequences

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The House of Lords Select Committee published the findings of its review into the Licensing Act on 4 April, which if implemented, will have far-reaching consequences on the whole of the licensed trade, says Stewart Gibson, Licensing Consultant at SG Licensing Ltd. He writes:

The committee was set up in May 2016 with the purpose of carrying out an overview of the Licensing Act. Key points from the review, which has taken almost a year to complete, are outlined below.

- A Merger of Licensing Committees with Planning Committees should be trialled (legislation to remain distinct).

This will have huge implications for many new off-sales premises, as often planning applications and licence applications are submitted alongside each other.

- No new licensing objectives but statutory requirement for disabled access and facilities statement should form part of the application.

For some retailers this may involve structural alterations to allow a premises licence to be granted, which currently is not the case.

- There should be close coordination between licensing and planning systems with planning decisions taken into account by licensing and vice versa.

Currently a planning decision cannot influence a licence decision. This suggests that this will change.

- Provision of a national database for personal licence holders linked to the Police National Database.

This is long overdue, as currently no national database exists, which allows a person to move house and obtain a second personal licence from another council should they so wish.

- Planning Inspectors should hear Licensing Appeals.

Interesting. This will do away with the Magistrates Court, and fall into line with the current planning system, where a planning inspector hears all planning appeals. It will bring the appeal process back to the average C-store retailer, as up to now the fees involved in employing Barristers to represent them in court have often been a restriction.

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ng sales for Spar NI owner extends charity scheme

- If minimum unit pricing is introduced in Scotland, it should also be introduced in England and Wales once Scottish ministers have published a statutory assessment of the working of MUP in Scotland. In the meantime, the government should seek other means of controlling excessive alcohol consumption through taxation and pricing measures.

This will have huge implications for the trade, and not such a bad thing for the C-stores, as it will bring the prices charged in the large supermarkets closer to those charged in the C-stores.

- Scotland's provisions for the off-trade should be adopted in England and Wales as soon as possible with encouragement to adopt in the meantime via the Guidance:
 - Restrictions on multi-pack pricing
 - Ban on 'buy one get one free' or other offers including free alcohol
 - Restrictions on advertising drinks promotions, restricting them to specific designated alcohol display areas
 - Challenge 25 policies

This will have the greatest impact on the off-trade in England and Wales.

- S182 Guidance should set out the structure and process of hearings, making clear that parties must be given sufficient time to make representations.

So if you have ever attended a hearing, it will be goodbye to the "you have 10 minutes to state your case, and I'm setting a timer"

- Requirement for newspaper advertisements should be removed, but blue notice retained.

Great news for applications and variations. This will make the entire process cheaper.

- Local authorities should be able to object to TENS. (Temporary Event Notices)

A very rare occurrence for the off-trade, but some stores have applied for TENs over the years.

- There should be dedicated, trained police licensing staff (officers or civilian staff) with a dedicated police licensing training programme.

This can only be a positive step.

- Introduction of locally set fees should be progressed.

This will mean that application and annual fees will vary across the country. It is unlikely that any fees will be reduced though. They have remained static for 11 years, so expect them to go only one way!

- Act should apply in airports, ports and hover ports.

So goodbye to the 6am pint before you board a plane for your holidays!

- Enforcement of s141 (sale of alcohol to a person who is drunk) should be taken more seriously in an effort to address issues with pre-loading and excessive drunkenness.

And so it should, figures for 2013 suggest that there were five prosecutions all year for serving alcohol to someone who is drunk.

There is no obligation on the government to adopt, all or any of the recommendations, and there are many more. The points regarding England and Wales following the Scottish example regarding minimum pricing and how the off-trade are treated are interesting, and will undoubtedly have the greatest impact on stores in England and Wales as far as pricing, promotions, and the display of alcohol in the stores is concerned. Very few retailers will see this as a positive step.

The government is expected to respond to these recommendations within two months, and then we can expect debates to take place in the House in the autumn, so interesting times ahead.

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