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Scrap local authority licensing, Lords Committee recommends

04 April, 2017
By Sonya Hook

The Licensing Act 2003 is "fundamentally flawed" and "needs a major overhaul" according to a new report from the Lords Committee.

The Committee, which was set up to scrutinise the Act, said in that in the 11 years since it has been in force hardly a year has gone by without major amendments to the Licensing Act 2003.

The Committee wants to bring an end to these "frequent piecemeal changes" and it recommends a one-off radical overhaul, including the abolition of local authority licensing committees.

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

"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'."

The Committee found that the Government made "a substantial error" in placing the responsibility for licensing with local authority licensing committees and it recommends that coordination between the licensing and planning systems should begin immediately in all local authorities.

It said planning committees are "much more effective, reliable and well-equipped" to make licensing decisions, which have a significant impact on local communities and can be "life or death" to businesses, their owners and their staff.

It also said fees for licensing should be set locally, not nationally.

The legality of Minimum Unit Pricing is still under consideration by the Supreme Court. The Committee said it if found to be lawful and introduced in Scotland, and found to be effective in cutting down excessive drinking, then it recommends that England and Wales follows Scotland's lead.

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