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House of Lords Select Committee - Report of the review of the Licensing Act

4th April 2017

The report is now published, and makes a number of far reaching recommendations for the Government to consider. Key findings of the Select Committee include suggestions that the responsibilities of the Licensing Act 2003 should have been incorporated with the planning regime when first implemented.

The report recommends a trial merger of licensing committees with planning committees and appeals to be considered by Planning Inspectors.

Other recommendations and findings include references to the licensing objectives, MUP, EMROS, the levy and training for councillors and police licensing staff.

A SUMMARY OF FINDINGS AND RECOMMENDATIONS:

- Merger of Licensing Committees with Planning Committees should be trialled (legislation to remain distinct)
- No new licensing objectives but statutory requirement for 'disabled access and facilities statement should form part of the application.
- There should be close coordination between licensing and planning systems with planning decisions taken into account by licensing and vice versa.
- 'Agent of Change' principal should be adopted in licensing and planning to protect residents and businesses from consequences of new development.
- Provision of a national database for personal licence holders linked to the Police National Database.
- Planning Inspectors should hear Licensing Appeals
- There should be mandatory licensing training for councillors.
- If Minimum unit pricing is introduced in Scotland, it should also be introduced in England and Wales once Scottish minister 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.
- 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

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EHOs – Guidance to make this clear.

- There should be better record retention relating to TENS – Guidance to set out the requirements.
- Gov.uk platform should be used for online applications and recording relevant information.
- Proposals to introduce CANs should be abandoned.
- There should be dedicated, trained police licensing staff (officers or civilian staff) with a dedicated police licensing training programme.
- Clarification should be provided within the s182 Guidance in relation to s19 closures.
- Discretion to impose immediate effect on decisions should be taken at the full review hearing.
- Support for champions of the night time economy
- EMROs should be repealed and plans for Group Review Intervention Powers should be abandoned.
- Late night levy amendments should be enacted for a period of 2 years and should then cease until the Government resolves to retain it following consultation.
- Support for best practice initiatives as alternatives to late night levies.
- Introduction of locally set fees should be progressed.
- Act should apply in airports, ports and hover ports
- 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.

READ THE REPORT

Government Response to the Report

A Government Response to Select Committee reports is expected within 2 months although there is provision for exceptions to this which include where the matter under consideration requires in depth consideration, is complex or technical in nature or is dependent on other reports or external events. This means that while a response might be forthcoming by 5 June there is a good chance that some of the recommendations may attract a later response. The following document explains the position in more detail (para 69 sets out possible reasons for delaying responses). The Lord Chairman of the Committee can question any delays and ask for an explanation.

View the Cabinet Office Guidance

Select committee recommendations carry considerable weight, but that does not mean that the Government/ Departments have to accept them, or act on them (at all or within a specified period of time).

There will be a debate in the House about the Government's response, which would highlight any dissatisfaction that the Committee / Lord Chairman might have with the responses to particular recommendations. That debate is likely to take place in around October.

Stakeholder reaction to the recommendations can have a significant impact. Where there is strong support or opposition for particular recommendations, this can add pressure for Departments to act on it in the short, medium or long-term, depending upon the recommendation.