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Planning committees suited to dealing with licensing applications

Words: Laura Edgar



The House of Lords Select Committee on the Licensing Act 2003 has ruled that it was a "mistake" to set up licensing committees when the planning system is well suited to dealing with licensing application and appeals.

In its report, *The Licensing Act 2003: post-legislative scrutiny*, the committee concluded that the act is "fundamentally flawed" and it needs a "radical overhaul" including the abolition of local authority licensing committees.

The report notes that those who devised the policy thought rightly that licensing of persons and premises was not a task for the judiciary but for local government.

"If they had looked to see how local authorities regulate the responsible use of land in other situations, they would have seen that the planning system, already well established and usually working efficiently, was well placed to take on this additional task," states the report.

The planning system has its detractors, according to the report, but it insists that planning committees are well established and have better support from experienced staff to deal with licensing applications.

Baroness McIntosh of Pickering, chair of the House of Lords Select Committee on the Licensing Act 2003 said: "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, McIntosh explained, with their decisions being described as "something of a lottery" that lack formality.

The report says there have been "scandalous misuses" of the powers of elected local councillors.

"Pubs, clubs and live music venues are a vital part of our cultural identity. Any decline in our cities' world-famous nightlife 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 – Early Morning Restriction Orders and Late Night Levies – are not being used because they do not work."

The report concludes by saying that planning committees are more effective and reliable, and are well equipped for making licensing decisions. Therefore, the Lords committee recommends that planning committees should take over the licensing function. "Coordination between the licensing and planning systems should begin immediately."

Further to this, licensing appeals should not go to the magistrates' court but should go to the Planning Inspectorate.

The Lords' report can be found [here \(pdf\)](#).

* *The Licensing Act 2003 applies to England and Wales.*

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