

HOUSE OF LORDS

Liaison Committee

2nd Report of Session 2022–23

The Licensing Act 2003: post-legislative scrutiny

Follow-up report

STRICTLY EMBARGOED UNTIL 00:01 MONDAY 11
JULY 2022. You must not disclose this document or its
contents until the date and time above; any breach of the
embargo could constitute a contempt of the House of Lords.

Ordered to be printed 6 July 2022 and published 11 July 2022

Published by the Authority of the House of Lords

Liaison Committee

The Liaison Committee is appointed by the House of Lords to advise the House on the resources required for select committee work and to allocate resources between select committees; to review the select committee work of the House; to consider requests for Special Inquiry Committees and report to the House with recommendations; to ensure effective co-ordination between the two Houses; and to consider the availability of members to serve on committees.

Membership

The Members of the Liaison Committee are:

Lord Blencathra	Earl Howe *
Lord Bradley	Lord Judge
Lord Collins of Highbury	Baroness Scott of Needham Market
Baroness Coussins	Lord Taylor of Holbeach
Lord Davies of Oldham	Baroness Walmsley
Lord Gardiner of Kimble (Chair)	

* Earl Howe recused himself on grounds of ministerial propriety

Declaration of interests

A full list of Members' interests can be found in the Register of Lords' Interests:
<https://members.parliament.uk/members/lords/interests/register-of-lords-interests>

Publications

All publications of the Committee are available at:
<http://www.parliament.uk/lords-liaison>

Parliament Live

Live coverage of debates and public sessions of the Committee's meetings are available at:
<http://www.parliamentlive.tv>

Further information

Further information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is available at:
<http://www.parliament.uk/business/lords>

Committee staff

The staff of the committee are Chris Clarke (Clerk), Heather Fuller (Committee Operations Officer), Hannah Murdoch (Research Assistant) and Philippa Tudor (Clerk).

Contact details

All correspondence should be addressed to the Liaison Committee, Committee Office, House of Lords, London SW1A 0PW. Telephone 020 7219 3130. Email hlliaisoncmttee@parliament.uk

CONTENTS

	<i>Page</i>
Chapter 1: Introduction	3
The Select Committee on the Licensing Act 2003	3
The Licensing Act 2003	3
Follow-up work	4
The impact of COVID-19 on licensed premises	5
Chapter 2: Progress on key recommendations	6
Coordination between the licensing and planning systems	6
‘Agent of Change’ principle	11
Training	14
Councillor training	15
Police licensing officers	16
Access to licensed premises for disabled people	18
The Night-time economy	20
Late Night Levy	22
Box 1: Business Improvement Districts in Wolverhampton and Bradford	26
Pricing and taxation of alcohol	26
Minimum Unit Pricing	26
Box 2: Minimum Unit Pricing Research	28
Taxation	29
Sale of alcohol airside	31
Application systems	33
National Database for Personal Licence Holders	35
Summary of conclusions and recommendations	37
Appendix 1: List of Members and declarations of interest	40
Appendix 2: List of witnesses	42
Appendix 3: Acronyms and abbreviations	43

STRICTLY EMBARGOED UNTIL 00:01 MONDAY 11 JULY 2022. You must not disclose this document or its contents until the date and time above; any breach of the embargo could constitute a contempt of the House of Lords.

The Licensing Act 2003: post-legislative scrutiny

Follow-up report

CHAPTER 1: INTRODUCTION

1. This report is the Committee's sixth follow-up inquiry under the procedure established in the July 2019 report, *Review of House of Lords Investigative Committees*.¹ In this report we examine the progress made on implementing recommendations made by the report of the Select Committee on the Licensing Act 2003.²

The Select Committee on the Licensing Act 2003

2. The Select Committee on the Licensing Act 2003 was appointed on 25 May 2016 “to consider and report on the Licensing Act 2003”.³ The Committee was not limited to the Act itself and also considered related legislation and the Act's accompanying section 182 Guidance. The Committee's report was published on 4 April 2017. The Government response was received on 6 November 2017⁴ and the report was debated in the House on 20 December 2017.⁵

The Licensing Act 2003

3. The Licensing Act 2003 transformed the legal regime governing the sale of alcohol, replacing licensing provisions across 10 statutes and unifying them in one Act. The Act liberalised alcohol licensing and transferred authority for licensing from the judicial system to local authorities, establishing licensing committees to make decisions on enforcing the provisions of the Act. The Act received Royal Assent on 10 July 2003 and came into force on 24 November 2005.⁶ The Home Office produced a post-legislative memorandum in June 2016.⁷
4. The Licensing Act 2003 only applies to England and Wales. Alcohol licensing is a devolved matter in Scotland and Northern Ireland. The 2017 report stated that “although our recommendations relate only to England and

1 Liaison Committee, *Review on House of Lords Investigative and Scrutiny Committees: towards a new thematic committee structure* (6th Report, Session 2017–19, HL Paper 398)

2 Select Committee on the Licensing Act 2003, *The Licensing Act 2003: post-legislative scrutiny* (Report of Session 2016–17, HL Paper 146)

3 Liaison Committee, *New investigative committee activity* (3rd Report, Session 2015–16, HL Paper 113) paras 15–19 and HL Deb, 25 May 2016, col 406

4 Home Office, *The Government response to the report from the House of Lords Select Committee on the Licensing Act 2003 Session 2016–7 HL Paper 146: The Licensing Act 2003: post-legislative scrutiny*, Cm 9471, (November 2017): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/657231/CCS207_CCS1017254842-1_Cm_9471_Govt_Response_Licensing_Act_PRINT_3_.pdf [accessed 15 March 2022]

5 HL Deb, 20 December 2017, cols 2145–2177

6 *Licensing Act 2003*

7 Home Office, *Memorandum to the House of Lords Select Committee: Post-legislative Scrutiny of the Licensing Act 2003*, Cm 9278 (June 2016): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/530664/Cm_9278_-_Post-Legislative_Scrutiny_-_Licensing_Act_2003.pdf [accessed 14 February 2022]

Wales, we hope that Scottish and Northern Irish Ministers may nevertheless find them useful.”⁸ Our report reiterates that sentiment.

Follow-up work

5. In January 2019, the then Chair of the Liaison Committee, The Rt Hon. the Lord McFall of Alcluith, wrote to the then Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability, Victoria Atkins MP, to follow up on the report’s recommendations.⁹ The Rt. Hon. Kit Malthouse MP, then Minister of State for Crime, Policing and the Fire Service, responded on 5 November 2019 providing an update on the progress of the recommendations.¹⁰
6. On 9 April 2020, the former Chair of the Select Committee on the Licensing Act 2003, Baroness McIntosh of Pickering, wrote to the then Chair of the Liaison Committee to request a follow-up inquiry. Follow-up work was commenced in March 2022.
7. The Committee held three evidence sessions on 10 March 2022 and were joined by four former members of the Select Committee on the Licensing Act 2003: Baroness McIntosh of Pickering (former Chair), Lord Blair of Boughton, Lord Foster of Bath and Baroness Henig. The names of the Members are recorded in Appendix 1, and those of the witnesses in Appendix 2. We are grateful to all our witnesses and for the supplementary written evidence many of them submitted.
8. This report focuses on the following areas:
 - Coordination of the licensing and planning systems
 - ‘Agent of change’ principle
 - Training
 - Access to licensed premises for disabled people
 - The Night-time economy
 - Pricing and taxation of alcohol
 - Sale of alcohol airside
 - Application systems
 - National Database for Personal Licence Holders.
9. This report scrutinises the evidence received and makes further recommendations to the Government. The Committee looks forward to receiving the Government’s response in due course.

8 *The Licensing Act 2003: post-legislative scrutiny*, para 8

9 Letter from the Rt Hon. the Lord McFall of Alcluith, the then Chair of the Liaison Committee, to Victoria Atkins MP, the then Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability (31 January 2019): <https://old.parliament.uk/documents/lords-committees/liaison/Letter-from-Lord-McFall-of-Alcluith-on-the-Select-Committee-on-the-Licensing-Act-2003.pdf>

10 Letter from the Rt Hon. Kit Malthouse MP, the then Minister of State for Crime, Policing and the Fire Service, to the Rt Hon. Lord McFall of Alcluith, the then Chair of the Liaison Committee (5 November 2019): <https://committees.parliament.uk/publications/61/documents/703/default/>

The impact of COVID-19 on licensed premises

10. This inquiry did not focus on the impact of the COVID-19 pandemic on licensed premises and the hospitality industry more widely, however, the Committee is keenly aware of the devastating impact the pandemic has had on this sector. As mentioned by our witnesses, there has been a “COVID pause”¹¹ and as a result much of the industry is only recently up and running again. The Committee heard evidence on some of the mechanisms the Government put in place to try and enable trading where possible under the COVID-19 restrictions. The Committee considered what could be learnt from the work done in this area, but do not make recommendations in relation to the recovery of the industry.

11 [Q 12](#) (Kate Nicholls OBE)

CHAPTER 2: PROGRESS ON KEY RECOMMENDATIONS

Coordination between the licensing and planning systems

11. The 2017 report concluded that:

“Coordination between the licensing and planning systems can and should begin immediately in all local authorities. The section 182 Guidance should be amended to make clear that a licensing committee, far from ignoring any relevant decision already taken by a planning committee, should take it into account and where appropriate follow it; and vice versa.”¹²
12. The Committee also proposed more dramatic reforms for the licensing system, including the recommendation that the functions of local authority licensing committees and sub-committees be transferred to planning committees and suggested a pilot scheme to implement this.¹³ The Government rejected this recommendation but accepted the need to improve the coordination between the licensing and planning systems.
13. The Government amended the latest version of the section 182 Guidance, published in April 2018. to include the following:

“ ... as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.”¹⁴
14. In his letter to the then Chair of the Liaison Committee, Lord McFall of Alcluith, in November 2019, the Rt. Hon. Kit Malthouse MP, now Minister of State for Crime and Policing at the Home Office, stated that this change was made to “strengthen the advice” on the coordination between the two systems.¹⁵ However, this suggestion for licensing committees to consider discussions with planning committees, was already in place in Chapter 9 in previous versions of the Guidance and at the time the Select Committee reported.¹⁶ The Committee is unclear as to what this repetition has done to encourage further or structure how and when these discussions should take place.
15. Mr Malthouse also noted that the National Planning Policy Framework (NPPF) promotes the parallel processing of consents to “resolve any issues

12 *The Licensing Act 2003: post-legislative scrutiny*, para 246

13 *The Licensing Act 2003: post-legislative scrutiny*, paras 154–155

14 Home Office, *Revised Guidance issued under section 182 of the Licensing Act 2003* (April 2018), para 14.64: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf [accessed 14 February 2022]

15 Letter from the Rt Hon. Kit Malthouse MP, the then Minister of State for Crime, Policing and the Fire Service. to the Rt Hon. the Lord McFall of Alcluith, the then Chair of the Liaison Committee (5 November 2019): <https://committees.parliament.uk/publications/61/documents/703/default/>

16 Home Office, *Revised Guidance issued under section 182 of the Licensing Act 2003* (March 2015), para 9.44: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf [accessed 15 March 2022] The 2017 report refers to the March 2015 Guidance, and there have been two subsequent versions of the Guidance in 2017 and 2018.

as early as possible.”¹⁷ In evidence to the follow-up inquiry, Joanna Averley, Chief Planner and Director at the Department for Levelling Up, Housing and Communities (DLUHC), explained as a result of the NPPF guidance the two systems “should be complementing each other and, obviously, dovetailed as much as possible.”¹⁸ However, this section was in place prior to the 2017 report¹⁹ suggesting that it does not go far enough to advise coordination between the planning and licensing systems.

16. After the publication of the Committee’s report, the Institute of Licensing (IoL), with support from the Home Office, scoped solutions to improve coordination between the licensing and planning systems. The Agent of Change Working Group was established, and it held two workshops with key stakeholders on the relationship and issues between the two systems.²⁰ The group produced a report in June 2020 and recommended long, medium and short term goals which included:

- Long Term - a “root and branch” review of the licensing, planning, and nuisance and environmental protection regulatory regimes.
- Medium Term - a new approach to designing and developing towns and cities to ensure the needs of those working, living and visiting them can be met.
- Short Term - a need to tackle the communication and coordination between both Government departments and within local government. This included a recommendation for local government to take practical steps to implement an ‘infrastructure of communication’, particularly between licensing, planning and environmental protection departments. The report suggested a range of solutions to improve communication including open plan or more joined-up departmental working, coordinated software and a consolidation of application processes. The report also highlighted the need for national coordination of guidance and training. This is addressed in the training section of this chapter (paragraphs 49–69).²¹

17. The report found that national and local government are aware of the problems “but there is no coordination of solutions”.²² Despite this work and engagement, the group’s recommendations have not been taken forward.

17 Letter from the Rt Hon. Kit Malthouse MP, the then Minister of State for Crime, Policing and the Fire Service, to the Rt Hon. the Lord McFall of Alcluith, the then Chair of the Liaison Committee (5 November 2019): <https://committees.parliament.uk/publications/61/documents/703/default/> and Ministry of Housing, Communities & Local Government, *National Planning Policy Framework* (July 2021), p 13: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf [accessed 14 February 2022]

18 Q 17 (Joanna Averley)

19 Department for Communities & Local Government, *National Planning Policy Framework* (March 2012), para 191: <https://webarchive.nationalarchives.gov.uk/ukgwa/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework--2> [accessed 15 March 2022]

20 Two of our witnesses, Sarah Clover, West Midlands Regional Chair at the IoL, Barrister at Kings Chambers and former Specialist Adviser to the Select Committee on the Licensing Act 2003, and Leenamari Aantaa-Collier, Partner and Head of Planning at The Wilkes Partnership Solicitors, were members of the group. The Agent of Change Working Group did not focus solely on the ‘Agent of Change’ principle but considered the relationship between the licensing and planning systems as a whole.

21 Agent of Change Working Group, *The Conflict Between Planning & Licensing: 1st Report*, (June 2020) pp 6–10: <https://www.instituteoflicensing.org/media/3sha3dwx/agent-of-change-working-group-report-june-2020.pdf> [accessed 30 March 2022]

22 *Ibid.*, p 10

Leenamari Aantaa-Collier, Partner and Head of Planning at The Wilkes Partnership Solicitors, told us: “there was a lot of good will, but, practically, nothing happened.”²³

18. In July 2019, the Local Government Association (LGA) first introduced the Licensing Act 2003 Councillor’s handbook. The handbook aims to provide councillors with the key information they need to discharge their role on licensing committees and sub-committees. The handbook repeats that licensing committees and officers “should consider discussion with their planning service prior to determination”, but goes further to state:

“... Whilst there is a clear distinction and separation between licensing and planning in terms of their remit, councillors have a key role in ensuring that these two different services are fully joined-up and aligned.

Where this doesn’t happen councils can struggle to shape their areas as they would like them to be.”²⁴

19. Councillor Jeanie Bell, Licensing Champion and Member of the Local Government Association’s Safer, Stronger Communities Board, confirmed areas of good practice are occurring with licensing and planning systems working together.²⁵ The Night Time Industries Association shared the example of Coventry local authority which has combined planning and licensing into one department and “have seen the benefits from closer working relationships and a more robust long term strategy where both departments have a stronger communication link which eradicates the majority of issues before they arise.”²⁶
20. Several witnesses highlighted the work done throughout the pandemic, and in particular the temporary pavement licensing provisions in England as a prime example of the licensing and planning systems working together to implement the provisions and troubleshoot problems as they arose.²⁷
21. The Government introduced the temporary pavement licensing provisions in 2020, whereby they streamlined the process for businesses to obtain pavement licenses.²⁸ These provisions are currently due to end on 30 September 2022, but the recently introduced Levelling-up and Regeneration Bill intends to make these changes permanent.²⁹ Kate Nicholls OBE, CEO of UKHospitality, told us this “was an area, albeit quite a small one, where licensing and planning were working in tandem and collaboratively to make sure that that new system could be introduced at pace and could be supportive”.³⁰ Councillor Jeanie Bell explained this “was a shift in that planning became an enabler, with licensing enabling businesses, rather than

23 [Q 3](#) (Leenamari Aantaa-Collier)

24 Local Government Association, *Licensing Act 2003 – Councillor’s handbook (England and Wales)* (July 2021): <https://www.local.gov.uk/publications/licensing-act-2003-councillors-handbook-england-and-wales-0> [accessed 14 February 2022]

25 [Q 3](#) (Councillor Jeanie Bell)

26 Supplementary written evidence from the Night Time Industries Association ([LAC0001](#))

27 [Q 3](#) (Councillor Jeanie Bell) and [Q 10](#) (Michael Kill, Kate Nicholls OBE)

28 Business and Planning Act 2020, [sections 1–10](#) and Department for Levelling Up, Housing and Communities, and Ministry of Housing, Communities and Local Government, ‘Pavement licences: guidance’: <https://www.gov.uk/government/publications/pavement-licences-draft-guidance#full-publication-update-history> [accessed 15 March 2022]

29 [Levelling-up and Regeneration Bill](#), clause 184, Schedule 17 [Bill 6 (2022–23)]

30 [Q 10](#) (Kate Nicholls OBE)

just having a regulator. That is the kind of good practice that we want to see.”³¹

22. Despite the guidance and policy in place, and these examples of good practice, witnesses confirmed that coordination between the licensing and planning systems has not improved, resulting in continued inconsistency and a lack of join-up.³² Michael Kill, CEO of the Night Time Industries Association, said “in the majority of cases we are still seeing siloed licensing and planning departments not engaging.”³³
23. Witnesses stressed the urgency of the need to address the lack of coordination between the licensing and planning systems. Sarah Clover, West Midlands Regional Chair at the IoL, Barrister at Kings Chambers and former Specialist Adviser to the Select Committee on the Licensing Act 2003, told us that there is a “greater intensification of people coming into night-time economy areas to live” which is resulting in tension and conflict in communities.³⁴
24. The Government’s levelling up agenda has championed the regeneration and development of high streets and city centres. The recent Levelling Up White Paper published in February 2022 sets out the Government’s aim to create “transformational developments combining housing, retail and business in sustainable, walkable, beautiful new neighbourhoods.”³⁵ This close combination of uses can create tension in communities if issues such as noise and nuisance are not addressed. The Government’s Build Back Better High Streets Strategy states “Empty shops can be changed into much-needed homes, into space for new restaurants, or into places where we can deliver high-quality public services.”³⁶ These initiatives demonstrate the Government’s intention to invest in and support mixed use developments.
25. Sarah Clover explained that:

“Development needs to be controlled very carefully to mediate and harmonise the way people live in their new environment cheek by jowl with hospitality venues, to have co-ordination between licensing, planning, environmental protection and environmental health officers, and to have that discourse and discussion up front, so that these land use relationships can be controlled effectively from the get-go. That does not happen.”³⁷
26. Kate Nicholls OBE echoed this:

“As we come out of the pandemic and move towards, I hope, a regeneration and rejuvenation, where you will be looking at businesses taking over existing premises and changes of use, particularly retail into mixed-use developments, it will be ever more important that

31 [Q 3](#) (Councillor Jeanie Bell)

32 [Q 3](#) (Leenamari Aantaa-Collier, Councillor Jeanie Bell, Sarah Clover) and [Q 10](#) (Kate Nicholls OBE, Michael Kill)

33 [Q 10](#) (Michael Kill)

34 [Q 3](#) (Sarah Clover)

35 Department for Levelling Up, Housing and Communities, *Levelling Up the United Kingdom* (2 February 2022), p xxiv: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1052706/Levelling_Up_WP_HRES.pdf [accessed 15 March 2022]

36 Ministry of Housing, Communities & Local Government, *Build Back Better High Streets* (July 2021), p 9: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005041/Build_Back_Better_High_Streets.pdf [accessed 15 March 2022]

37 [Q 3](#) (Sarah Clover)

planning and licensing work coherently and consistently together, that we streamline that process and that we do not burden businesses with two sets of application processes or delay any procedures unnecessarily, by making sure that those two systems work in tandem rather than sequentially, which is what happens all too often at the moment.”³⁸

27. The planning system is currently subject to reform. The Government initially proposed changes to the planning system in its ‘Planning for the Future’ White Paper in August 2020.³⁹ The White Paper set out the need to overhaul the planning system and to introduce a clear rules-based system.⁴⁰ The consultation on these proposals ended on 29 October 2020, however the Government did not respond and did not introduce a Planning Bill as originally anticipated. The Government’s subsequent Levelling Up White Paper published in February 2022 reinforced the importance of reforming the planning system and stated a “strong planning system is vital to level up communities”.⁴¹ In May 2022, the Government introduced the Levelling-up and Regeneration Bill which presents a range of planning system reforms. These include a high street rental auction scheme to tackle vacant properties on the high street and improvements to digital services throughout to the planning process.⁴² As identified by the Agent of Change Working Group, any changes to the planning system will have a “knock-on effect” on regimes such as licensing.⁴³
28. The Rt Hon. Stuart Andrew MP, Minister of State for Housing at DLUHC, explained that they “encourage” the licensing and planning systems to communicate and liaise with each other.⁴⁴ He suggested DLUHC could consider the support and training that could be provided to planning authorities through the Planning Advisory Service (PAS). The Planning Advisory Service is funded by the DLUHC to support councils and improve decision-making.
29. **The Committee welcomes this suggestion by the Minister to ensure that both the licensing and planning systems are thoroughly briefed as to their respective responsibilities to communicate and work together effectively.** At the time Mr Andrew gave evidence to the Committee the planning reforms were yet to be published, so he could not commit to if or how the coordination between licensing and planning could be addressed

38 Q 10 (Kate Nicholls OBE)

39 Ministry of Housing, Communities & Local Government, *White Paper: Planning for the Future* (August 2020): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/958421/Planning_for_the_Future_web_accessible_version.pdf [accessed 14 February 2022]

40 Ministry of Housing, Communities & Local Government, *White Paper: Planning for the Future* (August 2020), p 10: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/958421/Planning_for_the_Future_web_accessible_version.pdf [accessed 14 February 2022]

41 Department for Levelling Up, Housing and Communities, *Levelling Up the United Kingdom* (2 February 2022), p 227: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1052706/Levelling_Up_WP_HRES.pdf [accessed 14 February 2022]

42 [Levelling-up and Regeneration Bill](#) [Bill 6 (2022–23)] and Department for Levelling Up, Housing and Communities, ‘Levelling Up and Regeneration: further information’: <https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information#the-levelling-up-and-regeneration-bill> [accessed 27 May 2022]

43 Agent of Change Working Group, *The Conflict Between Planning & Licensing: 1st Report*, (June 2020), p 7: <https://www.instituteoflicensing.org/media/3sha3dwx/agent-of-change-working-group-report-june-2020.pdf> [accessed 30 March 2022]

44 Q 17 (Rt Hon. Stuart Andrew MP)

in the Bill but he explained they were considering all the options.⁴⁵ The Levelling-up and Regeneration Bill in its current form does not tackle the interaction between these two systems.

30. Mr Malthouse explained that licensing committees have all the powers they need to “coordinate very effectively between the two” systems.⁴⁶ However it is apparent that the existing guidance, the willingness of councils and the intentions of Government, have not been enough to effect change, and more needs to be done to ensure progress and facilitate coordination between the licensing and planning systems.
31. **The Committee is disappointed that no practical progress has been made to address the lack of coordination between the licensing and planning systems. It is clear that issues between the two systems remain and we regret that there has been no initiative from Government to take forward the work undertaken to explore solutions.**
32. *The Government should work with the Institute of Licensing, the Local Government Association and other interested parties to establish a clear mechanism for licensing and planning systems to work together and communicate effectively. The Government should trial these mechanisms in pilot areas.*
33. *The section 182 Guidance and Licensing Act 2003 Councillor’s handbook advice on licensing and planning systems working together needs to be reinforced and amended. The Guidance should reflect the importance of the need for coordination. Councillor training should also make clear the requirement for the licensing and planning systems to work together.*
34. *The Government must consider the coordination between the licensing and planning systems in its ongoing planning reforms in the Levelling-up and Regeneration Bill to ensure new proposals do not further exacerbate tensions between the two systems.*

‘Agent of Change’ principle

35. A key example where the need for coordination between the licensing and planning systems is apparent is the application of the ‘Agent of Change’ principle. The 2017 report recommended that:

“ ... a full ‘Agent of Change’ principle be adopted in both planning and licensing guidance to help protect both licensed premises and local residents from consequences arising from any new built development in their nearby vicinity.”⁴⁷
36. The ‘Agent of Change’ principle was subsequently implemented in the July 2018 version of the National Planning Policy Framework (NPPF). The policy states:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports

45 Planning Advisory Service, ‘Who we are and what we do’: <https://www.local.gov.uk/pas/our-work/who-we-are-and-what-we-do> [accessed 15 March 2022]

46 Q 17 (Rt Hon. Kit Malthouse MP)

47 *The Licensing Act 2003: post-legislative scrutiny*, para 553

clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”⁴⁸

37. In his 2019 letter to the then Chair of the Liaison Committee, Mr Malthouse stated that the Government would “consider what updates need to be made to the section 182 Guidance to reflect these changes to planning policy.”⁴⁹ The Licensing Act 2003 Councillor’s handbook has been updated to provide guidance on the ‘Agent of Change’ principle.⁵⁰ However, the section 182 Guidance is still yet to be amended. During the follow-up inquiry when questioned about the Guidance, Mr Malthouse told the Committee that the Government would “make the section 182 Guidance consistent with the NPPF” and that they are in the process of making these changes.⁵¹
38. Kate Nicholls OBE confirmed that including the ‘Agent of Change’ principle in the section 182 Guidance would amplify the message.⁵² Sarah Clover agreed that “integrating ‘Agent of Change’ into the section 182 Guidance would be a good mirror for what is in the NPPF.”⁵³
39. ***We continue to recommend that the ‘Agent of Change’ principle should be adopted in the section 182 Guidance. This should be incorporated to reflect the National Planning Policy Framework as soon as possible, and at the latest by the end of 2022.***
40. Sarah Clover noted that the legal work generated by the implementation of the ‘Agent of Change’ principle has increased exponentially in recent years, particularly after the pandemic.⁵⁴ As set out above (paragraphs 23, 24 and 27), the focus and policies on regenerating towns and city centres mean these issues are likely to continue.
41. Many witnesses called for more to be done to implement the ‘Agent of Change’ principle effectively and consistently.⁵⁵ Sarah Clover explained that as the ‘Agent of Change’ principle is “so vague” this results in “different

48 Ministry of Housing, Communities & Local Government, *National Planning Policy Framework* (July 2018), p 52: <https://webarchive.nationalarchives.gov.uk/ukgwa/20181206183454/https://www.gov.uk/government/publications/national-planning-policy-framework--2> [accessed 14 February 2022], and Ministry of Housing, Communities & Local Government, *National Planning Policy Framework* (February 2019), p 52–53: <https://webarchive.nationalarchives.gov.uk/ukgwa/20210708211349/https://www.gov.uk/government/publications/national-planning-policy-framework--2> [accessed 14 February 2022], and Ministry of Housing, Communities & Local Government, *National Planning Policy Framework* (July 2021), p 54: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf [accessed 14 February 2022]

49 Letter from the Rt Hon. Kit Malthouse MP, the then Minister of State for Crime, Policing and the Fire Service, to the Rt Hon. the Lord McFall of Alcluith, the then Chair of the Liaison Committee (5 November 2019): <https://committees.parliament.uk/publications/61/documents/703/default/>

50 Local Government Association, *Licensing Act 2003 – Councillor’s handbook (England and Wales)* (July 2021): <https://www.local.gov.uk/publications/licensing-act-2003-councillors-handbook-england-and-wales-0> [accessed 14 February 2022]

51 **Q 18** (Rt Hon. Kit Malthouse MP)

52 **Q 11** (Kate Nicholls OBE)

53 **Q 4** (Sarah Clover)

54 *Ibid.*

55 **Q 4** (Leenamari Aantaa-Collier, Sarah Clover) and **Q 11** (Kate Nicholls OBE, Michael Kill, Assistant Chief Constable Scott Green)

implementations and interpretations”.⁵⁶ Kate Nicholls OBE agreed, and added that the principle has no “specific detail or a national framework about how to deliver that in practice and implement it robustly”.⁵⁷ Michael Kill told us that as a result the principle is being implemented on a very “ad hoc patchwork basis”.⁵⁸

42. Assistant Chief Constable Scott Green, Alcohol and Vulnerability Lead at the National Police Chiefs’ Councils (NPCC), explained that the police service would welcome further clarity on the ‘Agent of Change’ principle as the failure to implement the principle effectively impacts the community, both those affected by the noise and the premises producing the noise, and results in front line police officers, and consequently valuable police resources, being drawn into the resulting disputes.⁵⁹
43. Leenamari Aantaa-Collier told the Committee that, as it stands, the ‘Agent of Change’ principle is implemented too late in the planning process to address issues for both businesses and residents, and as a result “creates conflict in the community”.⁶⁰ She suggested: “if the mitigation is done at earlier stages and agreed before development starts”,⁶¹ this would resolve issues before they arise.
44. Sarah Clover explained that “we have to recognise that it is still policy guidance only” and “the problem with policy or guidance is that it is not definitive. Different policies pull in different directions”.⁶² Though the intention of the ‘Agent of Change’ principle is to protect existing businesses and organisations, there are other competing demands at play when making planning decisions. Leenamari Aantaa-Collier told us that: “the priority of creating housing takes over the agent of change policy as it stands.”⁶³ Michael Kill stressed that despite the inclusion of the ‘Agent of Change’ principle in the NPPF, “there remains a huge issue with night-time economy businesses being threatened with closure”.⁶⁴
45. Several witnesses told the Committee that the ‘Agent of Change’ principle should be included in legislation⁶⁵ to ensure “more structure, clarity and certainty”.⁶⁶ Views differed on whether this should be included solely in planning legislation or also covered in licensing legislation. Michael Kill argued for the ‘Agent of Change’ principle to be “enshrined in both planning and licensing legislation.” He stated that:

“changes in legislation should include a duty on decision-makers and local authorities to consider the agent of change principle when granting planning applications, permissions and licensing; a duty on agents of change to take responsibility for ensuring that existing venues or residents will not be negatively impacted by new developments, for example by

56 [Q 8](#) (Sarah Clover)

57 [Q 11](#) (Kate Nicholls OBE)

58 [Q 11](#) (Michael Kill)

59 [Q 11](#) (Assistant Chief Constable Scott Green)

60 [Q 3](#) (Leenamari Aantaa-Collier)

61 [Q 4](#) (Leenamari Aantaa-Collier)

62 [Q 4](#) (Sarah Clover)

63 [Q 4](#) (Leenamari Aantaa-Collier)

64 [Q 11](#) (Michael Kill)

65 [Q 4](#) (Leenamari Aantaa-Collier, Sarah Clover) and [Q 11](#) (Michael Kill, Kate Nicholls OBE)

66 [Q 11](#) (Kate Nicholls OBE)

funding soundproofing materials; and a duty to support defendants of noise nuisance claims if these first two steps were taken.”⁶⁷

46. Councillor Bell told the Committee that the ‘Agent of Change’ principle can be “used effectively in the planning system” but that policies take time to “bed in.” She explained the LGA “would need to see the evidence of the need for it to be in the licensing regime to support it”.⁶⁸
47. When questioned on how the ‘Agent of Change’ principle would feature in the upcoming planning reforms Mr Andrew explained they were still considering a range of options and would look at this in more detail.⁶⁹ The Committee is disappointed that the Levelling-up and Regeneration Bill as it stands does not reference the ‘Agent of Change’ principle.
48. ***The 2017 recommendation focused on the adoption of the ‘Agent of Change’ principle into guidance, however we have heard that the principle as it stands is inadequate and does not sufficiently explain the duties of all parties involved and needs to go further to protect licensed premises and local residents in our changing high streets, and to prevent continuing uncertainty and inconsistency. The Government should review the ‘Agent of Change’ principle, strengthen it, and consider incorporating it into current planning reforms in the Levelling-up and Regeneration Bill to prevent further uncertainty. Any changes to the ‘Agent of Change’ principle should then be reflected in the section 182 Guidance.***

Training

49. Training across the licensing sector is crucial to assist in tackling the issues of consistency and confidence in licensing decisions identified in the 2017 report. The Committee found training needed to be developed for both councillors on licensing committees and sub-committees and police licensing officers.
50. Michael Kill explained that the industry still sees cases “where identical applications are presented in different areas and result in different outcomes”.⁷⁰ Kate Nicholls OBE told the Committee that the same problems remain, as were heard during the original inquiry:

“there is no consistent good practice across the country. There is variation in the way in which the policy is envisaged and applied at a national and local level. There is variation between local authorities, local stakeholders and other interested parties and responsible authorities in the way in which they interpret the national legislation and then apply it locally.”⁷¹
51. We believe improved training would help both councillors and police licensing officers understand licensing regulations and develop consistent and clear application of the law.

67 [Q 11](#) (Michael Kill)

68 [Q 4](#) (Councillor Jeanie Bell)

69 [Q 18](#) (Rt Hon. Stuart Andrew MP)

70 [Q 12](#) (Michael Kill)

71 [Q 10](#) (Kate Nicholls OBE)

Councillor training

52. The 2017 report recommended that:

“ ... the Home Office discuss with the Local Government Association, licensing solicitors and other stakeholders the length and form of the minimum training a councillor should receive before first being allowed to sit as a member of a sub-committee, and the length, form and frequency of refresher training.

The section 182 Guidance should be amended to introduce a requirement that a councillor who is a member of a licensing committee must not take part in any proceedings of the committee or a sub-committee until they have received training to the standard set out in the Guidance.”⁷²

53. The Government acknowledged the importance of councillors receiving suitable training and explained that they would work with stakeholders to develop training packages.⁷³ Despite this, the Government rejected the Committee’s recommendation to include councillor training requirements in the section 182 Guidance.

54. Councillor Bell set out the work the LGA is doing to improve training for councillors. The LGA has established a Licensing: Leadership Essentials course, which is “a two-day interactive course where people can come together, problem-solve, share issues in their own licensing committees and compare the different structures in licensing”.⁷⁴ This course is aimed at licensing committee and sub-committee chairs and vice-chairs, but also serves as a refresher for more experienced licensing committee members. It was first piloted in 2020, prior to the first COVID-19 pandemic lockdown and the second course took place in March 2022, with the hope to continue to hold more training sessions and increase capacity moving forward.⁷⁵ The LGA are also in the process of refreshing support tools for councillors including e-learning modules and training videos.

55. The IoL explained that prior to the 2017 report, attendance at their councillor training course was “extremely poor” and as a result they had reduced the courses offered. In August 2020 the IoL piloted a new councillor training course and “attendance has been excellent”. The new course is a full-day however, the IoL also provides bespoke training which results in a vast variation in the duration of the training received.⁷⁶

56. The Licensing Act 2003 Councillor’s handbook states that “no councillor should be permitted to sit on a committee or sub-committee without first having been formally trained” and highlights the need for training to be refreshed at regular intervals.⁷⁷ However, the LGA explained that “there is not a mandatory standard of training across all authorities, therefore it is

72 *The Licensing Act 2003: post-legislative scrutiny*, paras 218 and 220

73 Letter from the Rt Hon. Kit Malthouse MP, the then Minister of State for Crime, Policing and the Fire Service, to the Rt Hon. the Lord McFall of Alcluith, the then Chair of the Liaison Committee (5 November 2019): <https://committees.parliament.uk/publications/61/documents/703/default/>

74 [Q 5](#) (Councillor Jeanie Bell)

75 Local Government Association, ‘Leadership Essentials’: <https://www.local.gov.uk/our-support/highlighting-political-leadership/leadership-essentials> [accessed 15 March 2022]

76 Supplementary written evidence from the Institute of Licensing ([LAC0006](#))

77 Local Government Association, *Licensing Act 2003 – Councillor’s handbook (England and Wales)* (July 2021): <https://www.local.gov.uk/publications/licensing-act-2003-councillors-handbook-england-and-wales-0> [accessed 14 February 2022]

likely that the training councillors receive will vary.”⁷⁸ The IoL carried out discussions with the Home Office on producing standardised training which could form the basis of mandatory training, but this did not progress any further.⁷⁹ Sarah Clover explained: “it is absolutely key to have something that is standard nationally and mandatory. The quality needs to be clear and consistent, and access to it needs to be clear and consistent as well.”⁸⁰ Councillor Bell agreed that for the LGA, “It would be useful for us to have really clear and set guidance on what training should be covered, and then we can adapt and change to that.”⁸¹

57. Both Councillor Bell and Sarah Clover agreed that a training standard should be set out in the section 182 Guidance as recommended by the Select Committee.⁸²
58. Mr Malthouse referenced the work of the LGA to develop training and emphasised that they “obviously talk to the Institute of Licensing and the LGA about how we can improve that training and spread it more widely”.⁸³ However, the evidence we heard from witnesses suggests that discussions on mandatory standardised training have not progressed and more needs to be done to introduce consistent and effective training for councillors.
59. **Training is essential to support those working in licensing and create consistent and accurate decision making. We welcome the work of the Institute of Licensing, Local Government Association and Government to develop councillor training since the publication of the April 2017 report. However, this momentum needs to resume as there is no clear sense that training has resulted in improvements in the licensing system.**
60. *The Committee reiterates the original inquiry’s recommendations for the Home Office to work with stakeholders to establish a minimum training standard for councillors, including a refresher training standard. This agreed minimum standard should be set out in the section 182 Guidance and councillors who are members of a licensing committee should be prohibited from taking part in licensing committee or sub-committee proceedings until this minimum standard has been met.*
61. *Once the mandatory minimum training standard has been established it should be regularly reviewed to ensure that it remains effective and responds to changes and issues that occur in alcohol licensing.*

Police licensing officers

62. To address concerns regarding decision-making by police licensing officers, the Committee recommended “the development and implementation of a comprehensive police licensing officer training programme, designed by the College of Policing.”⁸⁴

78 Supplementary written evidence from the LGA ([LAC0004](#))

79 Supplementary written evidence from the Institute of Licensing ([LAC0006](#))

80 [Q 5](#) (Sarah Clover)

81 [Q 5](#) (Councillor Jeanie Bell)

82 [Q 5](#) (Councillor Jeanie Bell and Sarah Clover)

83 [Q 26](#) (Rt Hon. Kit Malthouse MP)

84 [The Licensing Act 2003: post-legislative scrutiny](#), para 388

63. Assistant Chief Constable Scott Green told us:

“colleagues in the Metropolitan Police, on my behalf, have developed a significant training programme in conjunction with the Institute of Licensing to train all the licensing officers across the country. We were in a position to roll it out, and then the pandemic put a pause to that I would like to bring the College of Policing closer to that work and use the expertise of the Institute of Licensing but in a manner that is delivered by the College of Policing, so that we have central control over a mandate for colleagues across the country to be trained and some centralised sponsorship of it.”⁸⁵

He explained they are in the process of bringing this work together and he said that this will create “a consistent platform and training across all the police colleagues who work in that environment.”⁸⁶

64. Assistant Chief Constable Scott Green explained that training has also been developed for officers joining the police as “policing of the night-time economy, along with licensing considerations, forms part of the training in a way that it perhaps did not at a much earlier date.” He stated that “front-line staff and officers now are much more skilled and knowledgeable in the licensing arena than they were before.”⁸⁷

65. Both Michael Kill and Kate Nicholls OBE welcomed the work to improve training for police licensing officers. Kate Nicholls OBE explained she had worked with the IoL and the College of Policing on the training and commended the stakeholder engagement which included the industry in the training development process.⁸⁸

66. Michael Kill highlighted the need to include in the training an understanding of the sector, both the night-time economy and the cultural sector as a whole, including the “economic, cultural and community values ... not just the crime stats.”⁸⁹ Kate Nicholls reinforced this point and explained that up-to-date data is needed to inform training so the changing habits of the consumer and therefore the changing operation of the industry is reflected in decision making.⁹⁰

67. Mr Malthouse told the Committee that the Government want to produce “a confident police force and a confident local authority that, together, manage a licensed premises in their area with rigour and discipline, in a way that brings compliance and safety. That can be done only by making them confident about their abilities through training.”⁹¹

68. **The Committee welcomes the developments in training for new police officers on licensing and the policing of the night-time economy.**

69. ***We commend the National Police Chiefs’ Council, the Institute of Licensing, the College of Policing and other interested parties who worked on the training package developed for police licensing***

85 [Q 12](#) (Assistant Chief Constable Scott Green)

86 *Ibid.*

87 *Ibid.*

88 [Q 12](#) (Kate Nicholls OBE)

89 [Q 12](#) (Michael Kill)

90 [Q 12](#) (Michael Kill and Kate Nicholls OBE)

91 [Q 26](#) (Rt Hon. Kit Malthouse MP)

officers. The training package should be implemented as a matter of urgency. The Government must ensure that this training is kept under review to ensure it reflects changes in legislation and guidance and remains effective in tackling concerns about inconsistency.

Access to licensed premises for disabled people

70. The original inquiry heard that the onus falls on disabled people to pursue legal proceedings in order for reasonable adjustments to be made to access licensed premises or use facilities within licenced premises. The difficulties faced by disabled people in accessing justice has been explored by the Select Committee on the Equality Act 2010 and Disability⁹² and the Liaison Committee's subsequent follow-up inquiry in 2021.⁹³
71. The Select Committee on the Licensing Act 2003 considered adding a licensing objective to the Licensing Act 2003 requiring "compliance with the Equality Act 2010" or "securing accessibility for disabled persons" but did not endorse this approach.⁹⁴ The Committee recommended that "the law should be amended to require, as in Scotland, that an application for a premises licence should be accompanied by a disabled access and facilities statement."⁹⁵
72. The Government rejected the Select Committee's recommendation, and found that: "The Act should not be used to control other aspects of licensed premises; this would be outside the scope of the licensing regime and contrary to the principles of better regulation."⁹⁶ Mr Malthouse reiterated this sentiment in evidence to the follow-up inquiry stating that the licensing system should not "be used to compel compliance with other bits of legislation."⁹⁷ Mr Malthouse proposed that the Equality Act 2010 and planning and building regulations were better placed to address accessibility in licensed premises.⁹⁸
73. Mr Andrew explained that provisions are in place in building regulations to improve accessibility but acknowledged this is an "incremental approach."⁹⁹ He stated that the DLUHC "will look at the changes that we are looking at with planning to see whether there are further steps that can be made to improve this for everybody."¹⁰⁰
74. The Government response to the 2017 report did commit to consult with disabled peoples' organisations to understand the extent of the problem and work with the National Association of Licensing Enforcement Officers to

92 Select Committee on the Equality Act 2010 and Disability, *The Equality Act 2010: the impact on disabled people* (Report of Session 2015–16, HL Paper 117)

93 Liaison Committee, *The Equality Act 2010: the impact on disabled people Follow-up report* (2nd Report, Session 2021–22, HL Paper 60)

94 *The Licensing Act 2003: post-legislative scrutiny*, para 272

95 *Ibid.*, para 277

96 Home Office, *Government response to the report from the House of Lords Select Committee on the Licensing Act 2003 Session 2016–17 HL Paper 146: 'The Licensing Act 2003: post-legislative scrutiny'*, Cm 9471, (November 2017), p 21: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/657231/CCS207_CCS1017254842-1_Cm_9471_Govt_Response_Licensing_Act_PRINT_3_.pdf [accessed 20 March 2022]

97 [Q 22](#) (Rt Hon. Kit Malthouse MP)

98 [Q 23](#) (Rt Hon. Kit Malthouse MP)

99 [Q 23](#) (Rt Hon. Stuart Andrew MP)

100 *Ibid.*

explore solutions.¹⁰¹ Mr Malthouse’s 2019 letter stated that “early discussions [had] taken place across Government to better understand the extent of the problem”.¹⁰² However, several witnesses confirmed there had been no further follow-up on this issue.¹⁰³

75. UKHospitality informed us that: “in response to concerns in this area raised during the House of Lords inquiry, a number of sectoral guides were produced to improve accessibility for customers.”¹⁰⁴
76. In July 2021, the Government published its National Disability Strategy. The Strategy recognises that every day many disabled people “feel excluded from leisure opportunities and socialising.”¹⁰⁵ The UK Disability Survey 2021 found 66% of respondents had been unable to access or had extreme difficulty accessing pubs, bars, restaurants and cafes.¹⁰⁶ This clearly demonstrates a continuing issue of access to licensed premises which is excluding and limiting disabled people from participating in this sector.
77. As the National Disability Strategy was published, the Government announced the appointment of Kate Nicholls OBE as the first Disability and Access Ambassador for the hospitality sector.¹⁰⁷ Ambassadors are managed by the Disability Unit, part of the Cabinet Office’s Equality Hub, and are voluntary positions which can run for up to three years. Disability and Access Ambassadors have been involved in initiating the increased use of the sunflower lanyard across the airport, rail and retail sectors and managing the issues around mask wearing on public transport during the pandemic.¹⁰⁸ In written evidence from UKHospitality, Kate Nicholls OBE explained that the role “aims to develop sectoral strategies for improving accessibility for both customers and employees, identifying common barriers and co-creating solutions with Government to overcome them.”¹⁰⁹
78. Mr Malthouse told the Committee “there are conversations ongoing” in the Cabinet Office Disability Unit regarding the work needed in the hospitality sector to comply with the relevant accessibility legislation and highlighted

101 Home Office, *Government response to the report from the House of Lords Select Committee on the Licensing Act 2003 Session 2016–17 HL Paper 146: ‘The Licensing Act 2003: post-legislative scrutiny’*, Cm 9471, (November 2017), pp 21–22: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/657231/CCS207_CCS1017254842-1_Cm_9471_Govt_Response_Licensing_Act_PRINT_3_.pdf [accessed 20 March 2022]

102 Letter from the Rt Hon. Kit Malthouse MP, the then Minister of State for Crime, Policing and the Fire Service, to the Rt Hon. the Lord McFall of Alcluith, the then Chair of the Liaison Committee (5 November 2019): <https://committees.parliament.uk/publications/61/documents/703/default/>

103 Q 6 (Councillor Jeanie Bell and Sarah Clover)

104 Supplementary written evidence from UKHospitality (LAC0005)

105 HM Government, *National Disability Strategy*, CP 512 (July 2021), p 18: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1006098/National-Disability-Strategy_web-accessible-pdf.pdf [accessed 14 February 2022]

106 HM Government, *National Disability Strategy*, CP 512 (July 2021), p 71: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1006098/National-Disability-Strategy_web-accessible-pdf.pdf [accessed 14 February 2022] and Disability Unit, ‘UK Disability Survey research report: data tables’ (20 September 2021): <https://www.gov.uk/government/publications/uk-disability-survey-research-report-june-2021/uk-disability-survey-research-report-data-tables> [accessed 14 February 2022]

107 Hospitality Insights, ‘UK government appoints disability ambassador for hospitality sector’ (28 July 2021): <https://www.hospitalityinsights.com/content/uk-government-appoints-disability-ambassador-for-hospitality-sector> [accessed 15 March 2022]

108 HM Government, *National Disability Strategy*, CP 512 (July 2021), p 78: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1006098/National-Disability-Strategy_web-accessible-pdf.pdf [accessed 14 February 2022],

109 Supplementary written evidence from UKHospitality (LAC0005)

the role the Disability and Access Ambassador in helping to bring about change.¹¹⁰

79. *The Committee finds the lack of progress in improving access to licensed premises unacceptable. The Committee continues to recommend that the law should be amended to require that an application for a premises licence should be accompanied by a disabled access and facilities statement.*
80. *If the Government does not believe the Licensing Act 2003 is the right mechanism to bring about change, it is imperative that the Government reviews the provisions of the Equality Act 2010 and in consultation with disabled peoples' charities and organisations ensure accessibility to licensed premises is improved to enable everyone to enjoy licensed premises. The Committee welcomes the appointment of a hospitality Disability and Access Ambassador and hope this role can champion the reforms needed to improve access.*

The Night-time economy

81. The night-time economy has been considerably affected by the COVID-19 pandemic. The Government implemented a range of measures to support businesses, such as the financial schemes in place,¹¹¹ the provisions enabling licensed premises to sell alcohol to customers for consumption off the premises¹¹² and the simplification of the pavement licences process.
82. Kate Nicholls OBE noted that during the pandemic there has been an improvement in partnership working, and “As we were looking at how we could reopen and rejuvenate our town and city centres, and accelerate the recovery of our night-time economies, the stakeholders, industry, police and local authorities came together to work on solutions and best practice guidance.”¹¹³ Michael Kill agreed, and Assistant Chief Constable Scott Green explained that the police service were very clear on their “role in supporting licenced premises in their bid to grow as we come out of the pandemic and make our town and city centres a really safe place for people to enjoy the evenings.”¹¹⁴
83. The 2017 report supported a number of the initiatives in place to support and promote the night time economy. The Committee concluded that the appointment of the London Night Czar and other champions of the night time economy could help address the tensions between licensees, local authorities and local residents, and could be a model for other cities across the UK.¹¹⁵

110 Q 22 (Rt Hon. Kit Malthouse MP)

111 Department for Business, Energy & Industrial Strategy, Ministry of Housing, Communities & Local Government and HM Revenue & Customs, ‘COVID-19 financial support for businesses’: <https://www.gov.uk/government/collections/financial-support-for-businesses-during-coronavirus-covid-19> [accessed 14 February 2022]

112 Home Office, ‘Alcohol licensing: guidance on new temporary off-sales permissions’: <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill/alcohol-licensing-guidance-on-new-temporary-off-sales-permissions> [accessed 14 February 2022]

113 Q 10 (Kate Nicholls OBE)

114 Q 10 (Assistant Chief Constable Scott Green)

115 *The Licensing Act 2003: post-legislative scrutiny*, para 450

84. To date, night time economy advisers have been appointed in Greater Manchester in June 2018¹¹⁶ and in Bristol in April 2021.¹¹⁷ Local authorities have also tried different forms of representation for the night time economy including night-time economy teams and task groups.¹¹⁸ The Night Time Industries Association launched a campaign last year to establish night time economy advisers in every major city in the UK.¹¹⁹ Michael Kill commended the current Night Czar and night time economy advisers for “substantiating the importance of the industry, not only for the physical, mental and social well-being of the consumers through regeneration and recovery but also through keeping the industry on the agenda.”¹²⁰
85. The Committee also welcomed initiatives such as BIDs, Best Bar None, and Purple Flag, and commended the flexibility and adaptability they provide.¹²¹ Kate Nicholls OBE explained that schemes like Best Bar None and Purple Flag remain “good, robust schemes” which have been working to ensure valuable policies are in place at an industry level, particularly during the COVID-19 pandemic.¹²² She also highlighted a number of new schemes which have been established including:
- Ask for Angela - at participating venues anyone who feels unsafe or vulnerable can approach staff and ‘Ask for Angela’, staff will know this means they need help, and whether this is contacting the police, calling a taxi or making sure they can find a friend, staff can provide assistance.¹²³
 - Safer Sounds Partnership - an initiative established by the Safer Business Network in 2019 to share best practice, promote consistency of operations and share information across venues in London, working with industry, police and local authorities.¹²⁴
 - Women’s Night Safety Charter - a Charter with seven pledges established by the Mayor of London to encourage businesses and local authorities to prioritise women’s safety.¹²⁵
86. Assistant Chief Constable Scott Green told us that each of the initiatives developed “adds real value to the night-time economy, local authority and

116 Greater Manchester Combined Authority, ‘Night-Time Economy Adviser’: <https://www.greatermanchester-ca.gov.uk/what-we-do/culture/night-time-economy-adviser/> [accessed 14 February 2022]

117 Bristol 24/7, ‘Carly Heath becomes Bristol’s first nighttime economy adviser’ (11 March 2021): <https://www.bristol247.com/news-and-features/news/carly-heath-becomes-bristols-first-nighttime-economy-adviser/> [accessed 14 February 2022]

118 Local Government Association, *Approaches to managing the night-time economy* (30 July 2020): https://www.local.gov.uk/sites/default/files/documents/10.40%20Approaches%20to%20managing%20the%20night-time%20economy%20-%20case%20studies_v04_2.pdf [accessed 15 March 2022]

119 Night Time Industries Association, ‘NTIA Launches Campaign for Night Time Advisors in Every Major City in the UK as the “only way” to save sector’ (2 December 2021): <https://www.ntia.co.uk/ntia-launches-campaign-for-night-time-advisors-in-every-major-city-in-the-uk-as-the-only-way-to-save-sector/> [accessed 14 February 2022]

120 Q 13 (Michael Kill)

121 *The Licensing Act 2003: post-legislative scrutiny*, para 518

122 Q 13 (Kate Nicholls OBE)

123 Metropolitan Police, ‘Ask for Angela’: <https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/campaigns/ask-for-angela/> [accessed 30 March 2022]

124 Safer Sounds Partnership, ‘About Us’: <https://www.safersounds.org.uk/about-us> [accessed 30 March 2022]

125 Mayor of London, London Assembly, ‘Women’s Night Safety Charter’: <https://www.london.gov.uk/what-we-do/arts-and-culture/24-hour-london/womens-night-safety-charter> [accessed 30 March 2022]

police colleagues”.¹²⁶ Kate Nicholls OBE raised the importance of these initiatives as “they mean that the industry is part of the solution and is part of developing the solution.”¹²⁷

87. The Government response to the 2017 report highlighted the Government’s work through the Local Alcohol Action Areas (LAAA) programme “to encourage and support local take up of these initiatives.”¹²⁸ The LAAA programme was established in 2014 to reduce alcohol-related crime and disorder and tackle the negative health impact of alcohol, with the goal to promote diverse and vibrant night time economies.¹²⁹ The programme aimed to bring together licensing authorities, health bodies, the police, businesses and other interested organisations to address alcohol related problems in these areas. 20 areas were initially established as local alcohol action areas and the programme ran from 2014 to 2015. In 2017 the second phase of this programme was rolled out to 33 areas, to run from 2017 to 2019.¹³⁰
88. Mr Malthouse explained the LAAA programme has been a “useful tool”¹³¹ but has “run its course in its original form” and Government will “continue to build on the experience of the LAAA and to consider other ways in which local areas can be supported to reduce alcohol harm.”¹³²
89. Assistant Chief Constable Scott Green noted that “there is no one overarching umbrella that pulls together” initiatives which results in a “blurry” picture across the country.”¹³³ UKHospitality explained that the LAAAs did provide “a coordination and focus to pilot, monitor and evaluate the effectiveness of interventions”, but notwithstanding the LAAA programme such schemes and initiatives are intended to be “implemented where appropriate locally and in discussion with consumer and regulatory stakeholders” and “should not be a one size fits all approach but that schemes would be selected based on local area needs.”¹³⁴
90. *The Committee reiterates the 2017 conclusion of the positive impact of the industry-led initiatives in place to support the night time economy. The Government should provide an update on any replacement to the Local Alcohol Action Areas programme within two years.*

Late Night Levy

91. During the Licensing Act 2003 inquiry, the Late Night Levy (LNL) was subject to changes due to be introduced through the Policing and Crime Act 2017. The Government agreed that these provisions would be not

126 Q 13 (Assistant Chief Constable Scott Green)

127 Q 13 (Kate Nicholls OBE)

128 Home Office, *The Government response to the report from the House of Lords Select Committee on the Licensing Act 2003 Session 2016–7 HL Paper 146: The Licensing Act 2003: post-legislative scrutiny*, Cm 9471, (November 2017), p 38: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/657231/CCS207_CCS1017254842-1_Cm_9471_Govt_Response_Licensing_Act_PRINT_3_.pdf [accessed 15 March 2022]

129 Home Office, *Local alcohol action areas* (2016): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278742/LAAAs.pdf [accessed 14 February 2022]

130 Home Office, *Local alcohol action areas will tackle alcohol related harms* (30 January 2017): <https://www.gov.uk/government/news/local-alcohol-action-areas-will-tackle-alcohol-related-harms> [accessed 14 February 2022]

131 Q 24 (Rt Hon. Kit Malthouse MP)

132 Supplementary written evidence from the Rt Hon. Kit Malthouse MP (LAC0003)

133 Q 13 (Assistant Chief Constable Scott Green)

134 Supplementary written evidence from UKHospitality (LAC0005)

implemented until the Committee's recommendations had been considered and responded to. The changes to the LNL would:

- “Allow licensing authorities to target the levy in geographical areas where the night time economy places demands on policing;
- Give licensing authorities the power to charge the levy to premises licensed to sell late night refreshments;
- Give Police and Crime Commissioners the right to formally request that a licensing authority propose a levy triggering a consultation on whether to introduce a levy; and
- Require licensing authorities to publish information about how the revenue raised from the levy is spent.”¹³⁵

92. The Committee found that the LNL, prior to the amendments, serves “as a form of additional general taxation, and is not being put towards its intended purpose”¹³⁶ of requiring businesses operating in the night time economy to contribute to the costs of policing it and therefore should be abolished. However, the Committee accepted that the proposed amendments to the Levy “may stand some chance of successfully reforming the Levy”. As a result, the Committee recommended:

“... that legislation should be enacted to provide that sections 125 to 139 of the Police and Social Responsibility Act 2011 and related legislation should cease to have effect after two years unless the Government, after consulting local authorities, the police and others as appropriate, makes an order subject to affirmative resolution providing that the legislation should continue to have effect.”¹³⁷

93. The Government rejected the Committee's recommendations as they agreed that the reforms in the Policing and Crime Act 2017 could improve the Levy. The Government confirmed the amendments would remain as originally drafted, but prior to commencement they would consult on the appropriate levy charge for late night refreshment premises. The consultation has not yet taken place and as a result the provisions under the Policing and Crime Act 2017 have not been commenced.

94. Mr Malthouse confirmed the Government did undertake to “try to improve the levy” but explained that the pandemic and its effect on the industry has delayed the consultation on the levy charge however they “hope to undertake the consultation in the near future, and then we can do the changes to the levy following that.”¹³⁸ We understand the COVID-19 pandemic has had a dramatic impact on licensed premises, however the Levy amendments were originally tabled in 2016 and nearly six years on the Levy remains unamended.

135 Home Office, *The Government response to the report from the House of Lords Select Committee on the Licensing Act 2003 Session 2016–7 HL Paper 146: The Licensing Act 2003: post-legislative scrutiny*, Cm 9471, (November 2017), p 36: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/657231/CCS207_CCS1017254842-1_Cm_9471_Govt_Response_Licensing_Act_PRINT_3_.pdf [accessed 15 March 2022] and Policing and Crime Act 2017, [section 142](#) and [Schedule 18](#)

136 *The Licensing Act 2003: post-legislative scrutiny*, para 487

137 *The Licensing Act 2003: post-legislative scrutiny*, para 502

138 [Q 24](#) (Rt Hon. Kit Malthouse MP)

95. At the time of the Committee’s 2017 report nine local authorities in England and Wales had introduced a LNL. Subsequently both the London Boroughs of Tower Hamlets¹³⁹ and Southwark¹⁴⁰ consulted on and introduced LNLs in January 2018 and September 2019 respectively. Redbridge Council also issued a consultation and despite an initial decision by the Council’s Licensing Committee to introduce a LNL¹⁴¹ the Council later decided not to proceed. The Council stated that the decision to defer the implementation of the LNL was due to the impact of the COVID-19 pandemic on local businesses however, they made clear the “option remains to introduce the levy at any point in the future, ideally when the economic landscape is less challenging for the local business community.”¹⁴² Southampton Council decided to bring the city’s LNL to an end, and on 31 March 2021 the LNL ceased.¹⁴³ In contrast the city’s BID, which was originally implemented in 2017 has now been extended for a second term which will end in March 2027.¹⁴⁴
96. Some councils have taken the opportunity to offer a reduction to the LNL if businesses participate in best practice schemes. Tower Hamlets Council have offered a 30 per cent reduction of the LNL for those businesses that achieve accreditation in the Best Bar None scheme, which we discuss above, and other councils have established their own schemes.¹⁴⁵
97. Witnesses from the industry agreed the Levy should be repealed. Kate Nicholls OBE concluded that it is: “an additional tax on doing business”.¹⁴⁶ She explained that the COVID-19 pandemic demonstrated the lack of flexibility in the Levy, as despite businesses being closed for a significant proportion of the last two years, the LNL could not be paused or dropped.¹⁴⁷
98. Assistant Chief Constable Scott Green explained that the operational impact of the LNL “depends on each individual force and the police and crime commissioner or mayor in that force.” He told the Committee that it would be valuable to consider the consistency of the how the money from the levy is spent.¹⁴⁸ Michael Kill agreed and explained “many businesses do not see the physical benefit for that additional cost”.¹⁴⁹

139 Tower Hamlets, ‘Late Night Levy’: https://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol_and_entertainment/Late%20Night%20Levy.aspx [accessed 15 March 2022]

140 Southwark Council, ‘Late Night Levy’: <https://www.southwark.gov.uk/business/licences/business-premises-licensing/alcohol-late-night-refreshment-and-entertainment-licences/late-night-levy> [accessed 15 March 2022]

141 John Gaunt & Partners, ‘Redbridge to introduce Late Night Levy’ (13 January 2020): <https://www.john-gaunt.co.uk/news/redbridge-to-introduce-late-night-levy> [accessed 15 March 2022]

142 ‘Redbridge delays introducing tax on night-time alcohol sales’ *Ilford Recorder* (10 September 2020): <https://www.ilfordrecorder.co.uk/news/late-night-alcohol-levy-delayed-3268374> [accessed 15 March 2022] and Redbridge Council, *Licensing Committee Minutes* (2 September 2020): <http://moderngov.redbridge.gov.uk/documents/s125198/020920final.pdf> [accessed 15 March 2022] and London Borough of Redbridge, *Statement of Licensing Policy* (1 September 2020): <https://www.redbridge.gov.uk/media/8678/final-statement-of-licensing-policy-2020-5.pdf> [accessed 15 March 2022]

143 Southampton City Council, ‘Late night levy’: <https://www.southampton.gov.uk/business-licensing/licensing/licensing-act-2003/late-night-levy/> [accessed 15 March 2022]

144 Go! Southampton, ‘About Us’: <https://www.gosouthampton.co.uk/about-us/> [accessed 15 March 2022]

145 Tower Hamlets, ‘Late Night Levy’: https://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol_and_entertainment/Late%20Night%20Levy.aspx [accessed 15 March 2022]

146 Q 14 (Kate Nicholls OBE)

147 *Ibid.*

148 Q 14 (Assistant Chief Constable Scott Green)

149 Q 14 (Michael Kill)

99. Mr Malthouse stated the LNL is “a good and useful tool”¹⁵⁰ and set out that the LNL has been used to:

“fund additional police officers and community protection officers, and projects designed to benefit those working and socialising in the night time economy, including a Club Host project aiming to reduce sexual harassment within clubs, first aid training for staff of licensed premises, defibrillators for town centres, taxi marshals and street cleaning.”¹⁵¹

100. However, he acknowledged that the “Levy has not been as popular with local authorities as originally envisaged” which is why the changes under the Policing and Crime Act 2017 were introduced.¹⁵² Unfortunately, the delay in implementing these changes means it is impossible to see how effective these measures may be.

101. ***If the Government is to retain the Late Night Levy, the amendments made under the Policing and Crime Act 2017 need to be consulted on as a matter of urgency and brought into force.***

102. ***The Committee recommends that within three years of the provisions being implemented, the Government consult local authorities, businesses and interested parties on the impact of the amended Late Night Levy. If there is not a demonstrable improvement of the impact and uptake of the Levy we continue to recommend that it be abolished.***

103. During the original inquiry the Committee heard from witnesses about the alternatives to the LNL in investing in and developing the night time economy. The Committee concluded:

“We welcome the initiative of local authorities such as Cheltenham which have abandoned Late Night Levies in favour of Business Improvement Districts. While recognising that local authorities cannot impose Business Improvement Districts in the same way that they can Late Night Levies, we recommend that other local authorities give serious consideration to initiating and supporting Business Improvement Districts and other alternative initiatives.”¹⁵³

104. Kate Nicholls OBE told the Committee Business Improvement Districts (BIDs) are “A much better, more effective, targeted approach” as:

“... businesses are part of the development of the solutions and, therefore, you can really effectively target it at those areas of greatest concern and the needs that the local community and the local town centre have, to make sure that the town centre and public spaces are safe, clean and adequately protected. We would prefer to see that through business improvement districts.”¹⁵⁴

150 [Q 24](#) (Rt Hon. Kit Malthouse MP)

151 Supplementary written evidence from the Rt Hon. Kit Malthouse MP ([LAC0003](#)) This wording is the same as the Government Response to the Committee’s report.

152 Supplementary written evidence from the Rt Hon. Kit Malthouse MP ([LAC0003](#))

153 [The Licensing Act 2003: post-legislative scrutiny](#), para 520

154 [Q 14](#) (Kate Nicholls OBE)

105. There are currently over 300 BIDs operating across the country and Mr Andrew told us “they have been very successful”.¹⁵⁵ DLUHC highlighted the work of two BIDs in Wolverhampton and Bradford set out in Box 1.

Box 1: Business Improvement Districts in Wolverhampton and Bradford

Bradford BID

The BID has

- Appointed an Evening and Night Time Economy co-ordinator in July 2021 to work with industry and support the night time economy;
- Funded Evening Marshalls to help visitors in the city centre; and
- Funded ‘Bradvocates’ who work with industry and keep the city centre clean and safe.
- An independent review found “BID levy-payers were both considerably aware and considerably satisfied with the work of the Bradford BID”.¹⁵⁶

Wolverhampton BID

- Introduced a City Ambassador team to carry out street patrols, welcome people to the city and work with the industry;
- Fund two Night Guardians to provide a point of contact for people visiting; and
- Deliver a Late Night Safe Haven in partnership with the City of Wolverhampton Council and with support from West Midlands Police for people to rest and wait for transport. The Safe Haven also has a Late Night First Aid provision provided by St Johns Ambulance.

Source: Supplementary written evidence from Department for Levelling Up, Housing and Communities (LAC0002)

106. Michael Kill agreed that “there are some fantastic BIDs across the country”, however, he did express caution as BIDs have a broad remit so consideration needs to be given as to how they support businesses in the night time economy.¹⁵⁷
107. ***The Committee continues to recommend that local authorities consider the use of Business Improvement Districts and other initiatives to support the night-time economy.***

Pricing and taxation of alcohol

Minimum Unit Pricing

108. At the time of the 2017 report, the introduction of Minimum Unit Pricing (MUP) in Scotland was subject to appeal at the Supreme Court and had not yet been implemented. The report concluded that:

“Assuming that minimum unit pricing is brought into force in Scotland, we recommend that once the Scottish ministers have published their statutory assessment of the working of MUP, if that assessment

155 [Q 24](#) (Rt Hon. Stuart Andrew MP)

156 Bradford BID, *Bradford BID Mid Term Review*: <https://bradfordbid.co.uk/wp-content/uploads/2022/02/Bradford-BID-mid-term-review-v8-draft.pdf> [accessed 30 March 2022]

157 [Q 14](#) (Michael Kill)

demonstrates that the policy is successful, MUP should be introduced in England and Wales.”¹⁵⁸

109. On 15 November 2017 the Supreme Court found that the Alcohol (Minimum Pricing) (Scotland) Act 2012 did not breach EU law¹⁵⁹, and consequently on 1 May 2018 Scotland introduced MUP with a 50 pence per unit minimum price. The Scottish MUP provisions will end on 30 April 2024, six years after their introduction, unless renewed beforehand.¹⁶⁰ The Alcohol (Minimum Pricing) (Scotland) Act 2012 requires Ministers to bring a report on the effect of the MUP provisions as soon as possible after 1 May 2023, and prior to the provisions coming to an end.¹⁶¹ Public Health Scotland is responsible for leading an independent evaluation of MUP, and this will inform the report to be put to the Scottish Parliament. The final report is anticipated in late 2023.¹⁶²
110. On 2 March 2020, Wales also introduced MUP, similarly implementing a 50 pence per unit minimum price.¹⁶³ The Republic of Ireland has now implemented MUP as of 4 January 2022.¹⁶⁴ When MUP was introduced the Minister for Health, Stephen Donnelly TD, referenced the implementation of MUP in Scotland and said, “it worked in Scotland and I look forward to it working here.”¹⁶⁵ Northern Ireland is currently in the process of consulting on the introduction MUP and the Minister of Health, Robin Swann MLA, said he is “encouraged by the emerging evidence of the positive effect [MUP] can have” based on the developments in Scotland, Wales and the Republic of Ireland.¹⁶⁶
111. Though the formal report evaluating the impact of MUP in Scotland has not yet been produced, there is ongoing research to assess the contribution MUP makes to reducing alcohol consumption and alcohol-related harm. We have summarised key research in Box 2.

158 *The Licensing Act 2003: post-legislative scrutiny*, para 86

159 The Supreme Court, *Scotch Whisky Association and others (Appellants) v The Lord Advocate and another (Respondents) (Scotland)*, [2017] UKSC 76 On appeal from: [2016] CSIH 77

160 Alcohol (Minimum Pricing) (Scotland) Act 2012, [section 2\(1\)](#)

161 Alcohol (Minimum Pricing) (Scotland) Act 2012, [section 3](#)

162 Public Health Scotland, ‘Overview of evaluation of MUP’: <http://www.healthscotland.scot/health-topics/alcohol/evaluation-of-minimum-unit-pricing-mup/overview-of-evaluation-of-mup/timeline-of-evaluation-of-mup> [accessed 14 February 2022]

163 [Public Health \(Minimum Price for Alcohol\) \(Wales\) Act 2018](#) and Welsh Government, ‘Written Statement: Welsh Government Consultation Outcome: Minimum Unit Pricing of Alcohol’, (15 February 2019): <https://gov.wales/written-statement-welsh-government-consultation-outcome-minimum-unit-pricing-alcohol> [accessed 14 February 2022]. The Welsh Parliament was able to bring MUP under its legislative remit by introducing it on public health grounds, rather than as a licensing condition as used by Scotland.

164 Public Health (Alcohol) Act 2018, [section 11](#)

165 Government of Ireland Department of Health, ‘Press release: Ministers Donnelly and Feighan welcome introduction of minimum unit pricing of alcohol’ (4 January 2022): <https://www.gov.ie/en/press-release/476d8-ministers-donnelly-and-feighan-welcome-introduction-of-minimum-unit-pricing-of-alcohol/> [accessed 14 February 2022]

166 Department of Health, ‘Consultation on Minimum Unit Pricing of Alcohol in NI’: <https://www.health-ni.gov.uk/mup-consultation> [accessed 15 March 2022] and Department of Health, *Minimum Unit Pricing for Alcohol: A consultation document* (February 2022) p 3: <https://www.health-ni.gov.uk/sites/default/files/consultations/health/doh-mup-consultation-document.pdf> [accessed 15 March 2022]

Box 2: Minimum Unit Pricing Research

- In September 2019, researchers at Newcastle University carried out a review of the immediate impact of the introduction of MUP and found it had successfully reduced the amount of alcohol purchased by householders in Scotland. Their research also found that this impact was targeted on the households that purchased the most alcohol.¹⁶⁷ In May 2021, the team followed up this research by analysing alcohol purchases in 2015–18 and the first half of 2020 in both Scotland and Wales and used areas in England as the control sample. They found that alcohol sales in Scotland fell by 7.7% and 8.6% in Wales. The reductions in purchases of alcohol were again largely limited to households that purchase the most alcohol in both Scotland and Wales. The researchers concluded: “MUP is an effective alcohol policy option to reduce off-trade purchases of alcohol and should be widely considered”¹⁶⁸ and found MUP has had a “lasting impact”.¹⁶⁹
- The Monitoring and Evaluating Scotland’s Alcohol Strategy Monitoring Report found in 2020 that 64% of the pure alcohol sold in Scotland was recorded as being sold at between 50.0p and 64.9p per unit. This is a significant increase to the 32% sold at that price prior to the implementation of MUP.¹⁷⁰
- In October 2021 Public Health Scotland research concluded that MUP has had a minimal impact on drink-related crime.¹⁷¹
- In the year following the introduction of MUP, the alcohol related deaths in Scotland fell by 10%. However, in 2020 alcohol related deaths increased by 17%, which is the highest number of alcohol deaths since 2008.¹⁷² The Chief Executive of Alcohol Focus Scotland, Alison Douglas, attributed this increase to changing drinking habits during the pandemic.¹⁷³

167 Amy O’Donnell, Faculty Fellow, Professor Peter Anderson, Associate Professor Eva Jané-Llopis, Jakob Manthey, Research Associate, Professor Eileen Kaner, Professor Jürgen Rehm, ‘Immediate impact of minimum unit pricing on alcohol purchases in Scotland: controlled interrupted time series analysis for 2015–18’, *British Medical Journal*, vol 366 (25 September 2019): <https://www.bmj.com/content/366/bmj.15274> [accessed 14 February 2022]

168 Professor Peter Anderson MD., Amy O’Donnell, PhD, Professor Eileen Kaner, PhD, Eva Jané Llopis, PhD, Jakob Manthey, PhD and Professor Jürgen Rehm, PhD, ‘Impact of minimum unit pricing on alcohol purchases in Scotland and Wales: controlled interrupted time series analyses’, *The Lancet*, vol, 6, issue 8 (28 May 2021): [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(21\)00052-9/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(21)00052-9/fulltext) [accessed 14 February 2022]

169 ‘Minimum unit alcohol price has ‘lasting impact’ *BBC News* (29 May 2021): <https://www.bbc.co.uk/news/uk-scotland-57293223> [accessed 4 July 2022]

170 Public Health Scotland, *Monitoring and Evaluating Scotland’s Alcohol Strategy (MESAS) Monitoring Report 2021*, p 2: <https://www.publichealthscotland.scot/media/8090/mesas-monitoring-report-2021.pdf> [accessed 15 March 2022]

171 Manchester Metropolitan University, *Evaluation of the impact of the alcohol minimum unit pricing (MUP) on crime and disorder, public safety and public nuisance* (July 2021): <https://www.publichealthscotland.scot/media/9627/evaluation-of-the-impact-of-alcohol-minimum-unit-pricing-mup-on-crime-and-disorder-public-safety-and-public-nuisance-report.pdf> [accessed 30 March 2022]

172 National Records of Scotland, ‘Alcohol-specific deaths in Scotland increase’ (17 August 2021): <https://www.nrscotland.gov.uk/news/2021/alcohol-specific-deaths-in-scotland-increase> [accessed 14 February 2022]

173 ‘Calls to raise minimum unit alcohol price to 65p in Scotland’ *BBC News* (19 November 2021): <https://www.bbc.co.uk/news/uk-scotland-59336255> [accessed 4 July 2022]

- Public Health Scotland commissioned research into the impact of MUP on people who drink alcohol at harmful levels, including people who are dependent on alcohol. Interim research was published in June 2021¹⁷⁴ with the final report released in June 2022. The report found that MUP resulted in a marked increase in the price people with alcohol dependence paid for alcohol however, there was “no clear evidence that this led to reduced alcohol consumption or changes in the severity of alcohol dependence among people drinking at harmful levels.” The report found that for some economically vulnerable groups MUP increased financial strain resulting in some people reducing their expenditure on food and utilities or borrowing money, but the research did not find clear evidence that this resulted in increased crime or replacing alcohol with illicit substance use or acute withdrawal.¹⁷⁵

112. Kate Nicholls OBE told us that:

“With that caveat that consumption patterns will be disrupted as a result of COVID, there does not appear to be evidence emerging from Scotland to suggest that MUP is a beneficial tool to be able to impact health policy. Therefore, we would continue to oppose its introduction.”¹⁷⁶

113. Mr Malthouse told the Committee the studies he has seen “seem to indicate no discernible impact on crime” but acknowledged that “It is a bit early to say whether the evidence is coming through on health as well”.¹⁷⁷ Mr Malthouse explained the Government “are keeping an eye on what is going on in Scotland”.¹⁷⁸ The Committee recognises that research on the impact of MUP is ongoing, however it feels the Government view of monitoring MUP is not proactive enough in assessing this potentially beneficial mechanism to reduce excessive alcohol consumption.

114. ***The Committee recommends that the Government undertake a formal review of the impact of MUP across Scotland and Wales and consider the Ministerial report on the effect of MUP in Scotland to assess the benefit of implementing MUP in England. The Government should complete and publish this review within one year of the publication of the Scottish Ministerial report.***

Taxation

115. The 2017 report urged the Government to consider other ways in which taxation and pricing could be used to control excessive alcohol consumption.¹⁷⁹

174 The University of Sheffield, The University of Newcastle Australia and Figure 8 Consultancy Services Ltd, *Impact of Minimum Unit Pricing among people who are alcohol dependent and accessing treatment services: Interim report: Structured interview data* (June 2021): <https://www.publichealthscotland.scot/media/8200/interim-report-on-the-impact-of-mup-among-people-who-are-alcohol-dependent-and-accessing-treatment-services.pdf> [accessed 30 March 2022] and The University of Sheffield, ‘New report details the impact of minimum unit pricing on people who are alcohol dependent’ (25 June 2021): <https://www.sheffield.ac.uk/news/new-report-details-impact-minimum-unit-pricing-people-who-are-alcohol-dependent> [accessed 30 March 2022]

175 The University of Sheffield, The University of Newcastle Australia and Figure 8 Consultancy Services Ltd, *Evaluating the impact of Minimum Unit Pricing in Scotland on people who are drinking at harmful levels* (7 June 2022): <https://www.publichealthscotland.scot/media/13486/evaluating-the-impact-of-minimum-unit-pricing-in-scotland-on-people-who-are-drinking-at-harmful-levels-report.pdf> [accessed 10 June 2022]

176 **Q 15** (Kate Nicholls OBE)

177 **Q 19** (Rt Hon. Kit Malthouse MP)

178 *Ibid.*

179 *The Licensing Act 2003: post-legislative scrutiny*, para 87

The Government response noted that where a problem is identified they will use taxation to address this. Subsequently the Government introduced a higher duty band to try and tackle the harm caused by ‘white ciders’. The higher duty band, implemented in February 2019, was “intended to encourage reformulation to lower ABV [Alcohol by volume] levels and discourage consumption.”¹⁸⁰

116. In the March 2020 Budget, the Chancellor announced that the Government would proceed with a review of alcohol duty. The review’s call for evidence expressly excluded consideration of MUP.¹⁸¹ The Institute for Fiscal Studies published research in November 2020 that found MUP works best when combined with reformed alcohol taxes. The research concluded that MUP “reasonably well” targeted households which purchased more alcohol, however, they found it comes at the cost of reducing competition and tax revenues. The research suggested combining a two-rate tax structure with a 50 pence unit price would still target the households drinking more alcohol whilst reducing the impact on tax revenue.¹⁸² The Government’s alcohol duty review, while not considering MUP, may be a missed opportunity to consider if and how these two systems would work together.
117. HM Treasury and HM Revenue & Customs consulted on its proposals from October 2021 to the end of January 2022. The Government’s response to the call for evidence found that the current tax system “impedes the ability of the Government to further its public health objectives.”¹⁸³ The Government concluded that by “failing to tax products consistently in line with their ABV, the duty system is not effectively targeted at the most harmful drinking.”¹⁸⁴
118. The proposals amend the duty system so all products across all categories would be taxed in relation to the litres of pure alcohol they contain, which had previously only applied to spirits duty. All categories would also follow a standardised set of bands for duty rates. The proposals also include a distinction between the on-trade and off-trade with reduced rates for some draught products including some draught beer, cider and made-wines.¹⁸⁵ These rates will not apply to products containing spirits. The reforms also offer an extension of small producer reliefs and a simplification of the administrative regime. The Government is currently analysing the feedback on the reforms and will publish their response in due course. The Government intends to legislate for the duty system changes in the Finance Bill 2022/23, with the new structure to take effect from 1 February 2023.

180 Letter from the Rt Hon. Kit Malthouse MP, the then Minister of State for Crime, Policing and the Fire Service, to the Rt Hon. the Lord McFall of Alcluith, the then Chair of the Liaison Committee (5 November 2019): <https://committees.parliament.uk/publications/61/documents/703/default/>

181 HM Treasury and HM Revenue and Customs, *Alcohol duty review: Call for evidence* (September 2020), p 5: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923128/20200930_call_for_evidence_FINAL.pdf [accessed 14 February 2022]

182 Institute of Fiscal Studies, *Tackling heavy drinking through tax reform and minimum unit pricing* (November 2020): <https://ifs.org.uk/uploads/BN311-Tackling-heavy-drinking-through-tax-reform-and-minimum-unit-pricing-1.pdf> [accessed 14 February 2022]

183 HM Treasury and HM Revenue & Customs, *The new alcohol duty system: consultation* (October 2021), p 21: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028702/20211026_Alcohol_Duty_Review_Consultation_and_CFE_response.pdf [accessed 14 February 2022]

184 *Ibid.*, p 22

185 The made-wine category covers other fermented beverages that do not fit into the other categories, this includes mead, fruit wines and fruit ciders.

119. Kate Nicholls OBE told us the proposed reforms would result in supermarkets paying a higher rate of duty in comparison to the draught duty paid by licensed premises where alcohol will be consumed “in a regulated licensed environment where the people serving it and the premises from which it is served are regulated, licensed and inspected regularly”. She explained that these reforms “provide an alternative route to promoting responsible consumption in a responsible environment”.¹⁸⁶ Michael Kill highlighted that the proposed duty reforms will negatively impact the night time economy, as sales are largely focused on spirits where the ABV is higher and as a result higher duties will be incurred.¹⁸⁷
120. The response to the proposed alcohol duty reforms has understandably been mixed given the scale of the restructure. The ‘One Voice for Beer’ Group, whose members include the British Beer and Pub Association and the Campaign for Real Ale, wrote to the Chancellor setting out their broad support for the reforms, but asking for more to be done to support brewers and pubs.¹⁸⁸ The Scotch Whisky Association thought the reforms reflected a U-turn from previous Government commitments to support the Scotch Whisky industry and felt the reforms were unfair.¹⁸⁹
121. On the proposed alcohol duty reforms, Mr Malthouse told us the shift to increase tax on stronger drinks “in theory, it should skew consumption one way or the other if you think people respond to those kinds of price signals.” When questioned whether the Government would use alcohol taxation in place of MUP, Mr Malthouse explained that it was not the intention but the Government will see if that is the effect.¹⁹⁰
122. *The Committee recommends that the Government review the effect of the proposed alcohol duty reforms on excessive alcohol consumption within three years of implementation.*

Sale of alcohol airside

123. The original inquiry expressed concern regarding the risks posed by disruptive incidents caused by alcohol consumed airside. The 2017 report found that:
- “The designations of airports as international airports for the purposes of section 173 of the Licensing Act 2003 should be revoked, so that the Act applies fully airside at airports, as it does in other parts of airports.”¹⁹¹
124. In response, the Government issued a call for evidence to consider the application of the Licensing Act 2003 airside, which ran from November 2018 to February 2019.¹⁹² Airlines UK responded to the consultation and

186 [Q 15](#) (Kate Nicholls OBE)

187 [Q 15](#) (Michael Kill)

188 British Beer and Pub Association, ‘Brewers, publications and beer drinkers urge Treasury to call time on over-taxation of beer and pubs’ (3 February 2022): <https://beerandpub.com/2022/02/03/brewers-publicans-and-beer-drinkers-urge-treasury-to-call-time-on-over-taxation-of-beer-and-pubs/> [accessed 15 March 2022]

189 Scotch Whisky Association, ‘UK Excise Duty’: <https://www.scotch-whisky.org.uk/insights/uk-excise-duty/> [accessed 15 March 2022]

190 [Q 19](#) (Rt Hon. Kit Malthouse MP)

191 *The Licensing Act 2003: post-legislative scrutiny*, para 620

192 Home Office, *Call for Evidence: Airside Alcohol Licensing at International Airports in England and Wales* (1 November 2018): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919665/airside_licensing_English.pdf [accessed 14 February 2022]

said that: “It is the alcohol consumed or bought in the airport that is the most common causal factor (more than half) of disruption in the air”.¹⁹³ The call for evidence received 97 responses across airlines, airports and other stakeholders. On the question of extending the Licensing Act 2003 provisions airside, 55% of respondents did not want the provisions to be extended.¹⁹⁴ The Government response, published on 14 December 2021, concluded that: “The Call for Evidence did not generate enough new evidence to show that lifting the exemption on airside premises from the Act would be a proportionate way to address the issue of drunk and disruptive passenger behaviour”¹⁹⁵ and as a result the Government decided not to extend the provisions of the Licensing Act 2003 airside. The Government concluded that more action was needed including better data collection and sharing of alcohol-related disruptive incidents, more effective use of existing sanctions and improving public awareness of the consequences of drunk and disruptive behaviour.

125. Mr Malthouse reiterated the Government’s response to the consultation in his evidence to the Committee, and highlighted the “significant industry initiatives in place, not least a Code of Practice on Disruptive Passengers. They now have sealed bags for duty-free alcohol and then they are running a series of education campaigns.”¹⁹⁶ Mr Malthouse explained airside is a “heavily regulated and controlled area” and the “penalties, already, for being drunk on a plane are very stiff and severe.”¹⁹⁷ Whilst the Committee welcomes the consultation on licensing airside, we are not convinced the existing measures in place are sufficient to tackle alcohol-related disruptive incidents.
126. The COVID-19 pandemic resulted in a dramatic reduction in flights and passenger numbers, which are still recovering.¹⁹⁸ However, despite lower passenger numbers, disruptive incidents caused by alcohol consumption have still occurred across the industry, with some requiring flights to be diverted.¹⁹⁹ As passenger numbers increase as the industry continues to recover from the pandemic it stands to reason these disruptive incidents will increase over the coming months. When questioned on the continuing disruptive incidents in the air, Mr Malthouse confirmed that “If evidence emerges that we have a systemic problem with alcohol consumption flying, we will have to address it.”²⁰⁰

193 Airlines UK, ‘Time to apply common sense to airside drinking for sake of passenger sake’ (1 February 2019): <https://airlinesuk.org/time-apply-common-sense-airside-drinking-sake-passenger-safety/> [accessed 15 March 2022]

194 The consultation noted that several airline, airport and industry respondents are also members of trade bodies that responded separately to the Call for Evidence. Some responses are therefore duplicated.

195 Home Office, ‘Consultation outcome: Summary of responses and government response’ (14 December 2021): <https://www.gov.uk/government/consultations/airside-alcohol-licensing-at-international-airports-in-england-and-wales-call-for-evidence/outcome/summary-of-responses-and-government-response#government-response> [accessed 20 March 2022]

196 Q 20 (Rt Hon. Kit Malthouse MP)

197 *Ibid.*

198 UK Civil Aviation Authority, ‘2021 quarter four flight data’ (9 February 2022): <https://www.caa.co.uk/news/2021-quarter-four-flight-data/> [accessed 22 March 2022]

199 ‘Drunk passenger who attached airline cabin crew fined’, *BBC News* (26 April 2021): <https://www.bbc.co.uk/news/uk-england-london-56886034> [accessed 4 July 2022]; ‘Drunk man who racially abused passengers on plane jailed’, *BBC News* (21 April 2021): <https://www.bbc.co.uk/news/uk-england-sussex-56835908> [accessed 4 July 2022] and ‘Jet2 passenger given lifetime ban ‘sorry’ for yelling at staff before being booted off flight’ *MyLondon* (2 April 2022): <https://www.mylondon.news/news/uk-world-news/banned-jet2-passenger-given-lifetime-23575584> [accessed 4 July 2022]

200 Q 20 (Rt Hon. Kit Malthouse MP)

127. **The Committee is surprised and disappointed by the decision of the Government not to proceed with licensing airside. The Government’s response to the recent consultation does not reflect the evidence heard in the original inquiry.**
128. *Due to the potential danger posed by excessive alcohol consumption airside, and the resulting disruptive incidents, the Committee recommends that the Government commits to review their decision on licensing airside within three years.*

Application systems

129. The 2017 report highlighted the need for a universal and joined-up online licensing application system. The Select Committee recommended:
- “ ... further development of the GOV.UK platform for licensing applications, to ensure that it is working with local authority computer systems, and fully compatible with the provisions of the Licensing Act 2003. In due course, its uniform adoption by all local authorities in England and Wales should be encouraged by the Government and the section 182 Guidance updated accordingly.”²⁰¹
130. The Government accepted the Committee’s recommendation and confirmed that, alongside private sector solutions, the Government Digital Service (GDS) had launched a project to look at developing a new online licensing platform for local government.²⁰² In 2019, when asked for an update on the online licensing application system, Mr Malthouse told the then Chair of the Liaison Committee that “Work is currently ongoing across Government to look at new ways in which the digital licensing service can be delivered in the future.”²⁰³
131. The COVID-19 pandemic placed even more importance on the online licensing application systems and licensing authorities were encouraged to “promote (on their websites or through other means) the use of online applications as the default position.”²⁰⁴ The LGA’s guidance on managing licensing during the pandemic set out that “Councils should already have mechanisms to take online applications and payment”.²⁰⁵ Despite this reliance on online licensing application systems, Councillor Bell told the Committee “there has been very little progress to develop that GOV.UK licensing platform”.²⁰⁶

201 *The Licensing Act 2003: post-legislative scrutiny*, para 590

202 Home Office, *Government response to the report from the House of Lords Select Committee on the Licensing Act 2003 Session 2016–17 HL Paper 146: ‘The Licensing Act 2003: post-legislative scrutiny’*, Cm 9471, (November 2017), p 41: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/657231/CCS207_CCS1017254842-1_Cm_9471_Govt_Response_Licensing_Act_PRINT_3_.pdf [accessed 20 March 2022]

203 Letter from the Rt Hon. Kit Malthouse MP, the then Minister of State for Crime, Policing and the Fire Service, to the Rt Hon. the Lord McFall of Alcluith, the then Chair of the Liaison Committee (5 November 2019): <https://committees.parliament.uk/publications/61/documents/703/default/>

204 Institute of Licensing, *Protocol for Licence Applications & Hearings Under The Licensing Act 2003 During the COVID-19 Pandemic* (2 April 2020): <https://files.constantcontact.com/809c3e67001/dbd8575c-bacd-45c4-ab8a-dbbd65e8da5c.pdf> [accessed 14 February 2022]

205 Local Government Association, *Approaches to managing licensing and related issues during the COVID-19 pandemic* (17 April 2020): <https://www.local.gov.uk/publications/approaches-managing-licensing-and-related-issues-during-covid-19-pandemic> [accessed 2 February 2022]

206 [Q 7](#) (Councillor Jeanie Bell)

132. However, more significantly, Councillor Bell informed the Committee that “the Government have recently proposed to retire the service altogether with no plans in place for a replacement.”²⁰⁷ The LGA and other stakeholders have raised concerns regarding this proposal and “were assured that the GDS would work with councils” but they were yet to receive further information.²⁰⁸ Councillor Bell warned of the “unrest” this news is causing and the direct impact it will have on “the range of options that they are able to offer licensed premises.”²⁰⁹ Sarah Clover told the Committee it “is a backwards step” and the resulting “lack of access and consistency is going to cause chaos.”²¹⁰

133. Councillor Bell explained that:

“Although some councils have the resources and the capability to develop an in-house online alternative, others simply do not. It may lead to an inconsistency in service provision if that platform goes. Some councils will be forced to return to paper-based systems.”²¹¹

Councillor Bell warned that the GOV.UK licensing application platform “is a tool that we need to be running, and the removal of that without a back-up could be catastrophic.”²¹²

134. The IoL are carrying out a survey to assess the impact of withdrawing the GOV.UK online licensing application platform.²¹³ The LGA Safer and Stronger Communities Board are also writing to the Government to find out more information on the proposed withdrawal and offer their assistance.²¹⁴

135. Mr Malthouse told the Committee that as “the receiving organisation is the local authority, the form in which they receive [licensing applications] is essentially one for them”.²¹⁵ The Committee were concerned by this complacent attitude regarding the management of licensing applications.

136. This attitude is in stark contrast to the evidence the Committee heard regarding the DLUHC approach to planning application systems. Mr Andrew explained that digitisation is at the forefront of planning reforms as they “want to make it a much simpler process that is easier for residents to understand as well as those making applications.”²¹⁶ Joanna Averley explained that the department is “funding and co-developing two programmes with local authorities and innovators” one of which focuses on digital applications.²¹⁷ DLUHC is investing in and supporting local authorities in creating digital planning applications, whereas if a replacement licensing application system is not established, the Home Office plans to withdraw the GOV.UK service will place the burden onto local authorities to establish their own systems.

137. The Government’s decision to remove the GOV.UK licensing application platform without a replacement system in place would be

207 *Ibid.*

208 *Ibid.*

209 *Ibid.*

210 [Q 7](#) (Sarah Clover)

211 [Q 7](#) (Councillor Jeanie Bell)

212 [Q 8](#) (Councillor Jeanie Bell)

213 [Q 7](#) (Councillor Jeanie Bell and Sarah Clover)

214 [Q 7](#) (Councillor Jeanie Bell)

215 [Q 21](#) (Rt Hon. Kit Malthouse MP)

216 [Q 21](#) (Rt Hon. Stuart Andrew MP)

217 [Q 21](#) (Joanna Averley)

disastrous and would result in further inconsistency across licensing authorities and thus disparities in the experience across the country.

138. **The Committee welcomes the Institute of Licensing survey to help inform the Government on the position of the current application system and the need for an alternative.**
139. **If the Government intends to proceed with removing the GOV.UK licensing application platform then the Government must establish an alternative before it is withdrawn.**

National Database for Personal Licence Holders

140. The 2017 report recommended “the creation of a national database of personal licence holders for use by courts and licensing authorities, linked to the Police National Database.”²¹⁸ The recommendation was intended to aid the enforcement of section 128 and 132A of the Licensing Act 2003, and tackle the problem local authorities raised of individuals who have had a personal licence revoked in one authority being able to be named as a Designated Premises Manager on a premises licence in a different local authority area.
141. The Government rejected this recommendation due to both the complexity involved, and the resource and cost implications of establishing a national database of all personal licence holders. The Government proposed an alternative and committed to working with the LGA, the IoL and the National Anti-Fraud Network to consider adding records of refused, suspended and revoked personal licences to the National Register of Taxi and Private Hire Vehicles Revocations and Refusals.²¹⁹
142. The National Register of Taxi and Private Hire Vehicles Revocations and Refusals, also known as NR3, was commissioned by the LGA and is hosted by the National Anti-Fraud Network. Councils can record where a taxi or private hire vehicle licence has been refused or revoked, enabling other local authorities to check applications against the Register. The Register went live on July 2018 and is currently used on a voluntary basis. In March 2022 the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 introduced a mandate for licensing authorities to record refusals, suspensions and revocations on a national database.²²⁰ The national database provider will be decided in due course and further guidance provided.²²¹ This may impact how suitable the Government’s proposal is moving forward.
143. Mr Malthouse told the Committee that due to “capacity constraints” the Government is yet to look at incorporating records of refused, suspended and revoked personal licences into the National Register of Taxi and Private Hire Vehicles Revocations and Refusals.²²²

218 [The Licensing Act 2003: post-legislative scrutiny](#), para 594

219 Home Office, *Government response to the report from the House of Lords Select Committee on the Licensing Act 2003 Session 2016–17 HL Paper 146: ‘The Licensing Act 2003: post-legislative scrutiny’*, Cm 9471, (November 2017), pp 41–42: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/657231/CCS207_CCS1017254842-1_Cm_9471_Govt_Response_Licensing_Act_PRINT_3_.pdf [accessed 20 March 2022]

220 [Taxi and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#)

221 Department for Transport, *Taxi & Private Hire Vehicles: An update from the Department for Transport* (6 April 2022): <https://www.naleo.co.uk/sites/naleo/files/NALEO%20AGM%20-%20DfT%20Presentation.pdf> [accessed 25 April 2022]

222 [Q 25](#) (Rt Hon. Kit Malthouse MP)

144. When asked about the Government’s proposal, the LGA expressed concern about combining personal licences and taxi and private hire vehicles licences on the same database. They highlighted that the safeguarding issues are different for alcohol licensing to that of taxis and private hire vehicles licensing. The LGA explained that it is “not ideal” that there is not a national database of personal licences, as recommended by the original inquiry, but suggested that an alternative may be to “create an equivalent database on the same system as NR3 (subject to the National Anti-Fraud Network’s approval and the provision of appropriate Government funding), or a separate database.”²²³
145. ***The Committee recommends that the Government proceeds with its proposed review of adding records of refused, suspended and revoked personal licences to the National Register of Taxi and Private Hire Vehicles Revocations and Refusals. If this approach is found not to be suitable to tackle the issues previously raised by stakeholders the Government should review the report’s recommendation to establish a national database of personal licences.***

223 Supplementary written evidence from the LGA ([LAC0004](#))

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Below is a list of all of the Committee's conclusions and recommendations (recommendations appear in italics).

Coordination between the licensing and planning systems

1. The Committee is disappointed that no practical progress has been made to address the lack of coordination between the licensing and planning systems. It is clear that issues between the two systems remain and we regret that there has been no initiative from Government to take forward the work undertaken to explore solutions. (Paragraph 31)
2. *The Government should work with the Institute of Licensing, the Local Government Association and other interested parties to establish a clear mechanism for licensing and planning systems to work together and communicate effectively. The Government should trial these mechanisms in pilot areas.* (Paragraph 32)
3. *The section 182 Guidance and Licensing Act 2003 Councillor's handbook advice on licensing and planning systems working together needs to be reinforced and amended. The Guidance should reflect the importance of the need for coordination. Councillor training should also make clear the requirement for the licensing and planning systems to work together.* (Paragraph 33)
4. *The Government must consider the coordination between the licensing and planning systems in its ongoing planning reforms in the Levelling-up and Regeneration Bill to ensure new proposals do not further exacerbate tensions between the two systems.* (Paragraph 34)

'Agent of Change' principle

5. *We continue to recommend that the 'Agent of Change' principle should be adopted in the section 182 Guidance. This should be incorporated to reflect the National Planning Policy Framework as soon as possible, and at the latest by the end of 2022.* (Paragraph 39)
6. *The 2017 recommendation focused on the adoption of the 'Agent of Change' principle into guidance, however we have heard that the principle as it stands is inadequate and does not sufficiently explain the duties of all parties involved and needs to go further to protect licensed premises and local residents in our changing high streets, and to prevent continuing uncertainty and inconsistency. The Government should review the 'Agent of Change' principle, strengthen it, and consider incorporating it into current planning reforms in the Levelling-up and Regeneration Bill to prevent further uncertainty. Any changes to the 'Agent of Change' principle should then be reflected in the section 182 Guidance.* (Paragraph 48)

Training

7. Training is essential to support those working in licensing and create consistent and accurate decision making. We welcome the work of the Institute of Licensing, Local Government Association and Government to develop councillor training since the publication of the April 2017 report. However, this momentum needs to resume as there is no clear sense that training has resulted in improvements in the licensing system. (Paragraph 59)
8. *The Committee reiterates the original inquiry's recommendations for the Home Office to work with stakeholders to establish a minimum training standard for councillors,*

including a refresher training standard. This agreed minimum standard should be set out in the section 182 Guidance and councillors who are members of a licensing committee should be prohibited from taking part in licensing committee or sub-committee proceedings until this minimum standard has been met. (Paragraph 60)

9. *Once the mandatory minimum training standard has been established it should be regularly reviewed to ensure that it remains effective and responds to changes and issues that occur in alcohol licensing. (Paragraph 61)*
10. *The Committee welcomes the developments in training for new police officers on licensing and the policing of the night time economy. (Paragraph 68)*
11. *We commend the National Police Chiefs' Council, the Institute of Licensing, the College of Policing and other interested parties who worked on the training package developed for police licensing officers. The training package should be implemented as a matter of urgency. The Government must ensure that this training is kept under review to ensure it reflects changes in legislation and guidance and remains effective in tackling concerns about inconsistency. (Paragraph 69)*

Access to licensed premises for disabled people

12. *The Committee finds the lack of progress in improving access to licensed premises unacceptable. The Committee continues to recommend that the law should be amended to require that an application for a premises licence should be accompanied by a disabled access and facilities statement. (Paragraph 79)*
13. *If the Government does not believe the Licensing Act 2003 is the right mechanism to bring about change, it is imperative that the Government reviews the provisions of the Equality Act 2010 and in consultation with disabled peoples' charities and organisations ensure accessibility to licensed premises is improved to enable everyone to enjoy licensed premises. The Committee welcomes the appointment of a hospitality Disability and Access Ambassador and hope this role can champion the reforms needed to improve access. (Paragraph 80)*

The Night-time economy

14. *The Committee reiterates the 2017 conclusion of the positive impact of the industry-led initiatives in place to support the night time economy. The Government should provide an update on any replacement to the Local Alcohol Action Areas programme within two years. (Paragraph 90)*
15. *If the Government is to retain the Late Night Levy, the amendments made under the Policing and Crime Act 2017 need to be consulted on as a matter of urgency and brought into force. (Paragraph 101)*
16. *The Committee recommends that within three years of the provisions being implemented, the Government consult local authorities, businesses and interested parties on the impact of the amended Late Night Levy. If there is not a demonstrable improvement of the impact and uptake of the Levy we continue to recommend that it be abolished. (Paragraph 102)*
17. *The Committee continues to recommend that local authorities consider the use of Business Improvement Districts and other initiatives to support the night-time economy. (Paragraph 107)*

Pricing and taxation of alcohol

18. *The Committee recommends that the Government undertake a formal review of the impact of MUP across Scotland and Wales and consider the Ministerial report on the effect of MUP in Scotland to assess the benefit of implementing MUP in England. The Government should complete and publish this review within one year of the publication of the Scottish Ministerial report. (Paragraph 114)*
19. *The Committee recommends that the Government review the effect of the proposed alcohol duty reforms on excessive alcohol consumption within three years of implementation. (Paragraph 122)*

Sale of alcohol airside

20. The Committee is surprised and disappointed by the decision of the Government not to proceed with licensing airside. The Government's response to the recent consultation does not reflect the evidence heard in the original inquiry. (Paragraph 127)
21. *Due to the potential danger posed by excessive alcohol consumption airside, and the resulting disruptive incidents, the Committee recommends that the Government commits to review their decision on licensing airside within three years. (Paragraph 128)*

Application systems

22. The Government's decision to remove the GOV.UK licensing application platform without a replacement system in place would be disastrous and would result in further inconsistency across licensing authorities and thus disparities in the experience across the country. (Paragraph 137)
23. The Committee welcomes the Institute of Licensing survey to help inform the Government on the position of the current application system and the need for an alternative. (Paragraph 138)
24. If the Government intends to proceed with removing the GOV.UK licensing application platform then the Government must establish an alternative before it is withdrawn. (Paragraph 139)

National Database for Personal Licence holders

25. *The Committee recommends that the Government proceeds with its proposed review of adding records of refused, suspended and revoked personal licences to the National Register of Taxi and Private Hire Vehicles Revocations and Refusals. If this approach is found not to be suitable to tackle the issues previously raised by stakeholders the Government should review the report's recommendation to establish a national database of personal licences. (Paragraph 145)*

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Lord Blencathra
Lord Bradley
Lord Collins of Highbury
Baroness Coussins
Lord Davies of Oldham
Lord Gardiner of Kimble
Lord Howe *
Lord Judge
Baroness Scott of Needham Market
Lord Taylor of Holbeach
Baroness Walmsley

The following members of the former Select Committee on the Licensing Act 2003 participated in the meetings:

Lord Blair of Boughton
Lord Foster of Bath
Baroness Henig
Baroness McIntosh of Pickering

Declaration of interests

Lord Blair of Boughton
Long service in the police which included this area of policy

Lord Blencathra
Officer of the All Party Wines and Spirits Group

Lord Bradley
No relevant interests to declare

Lord Collins of Highbury
No interests declared

Baroness Coussins
Past CEO of The Portman Group (1996–2006)

Lord Davies of Oldham
No interests declared

Lord Foster of Bath
No relevant interests to declare

Lord Gardiner of Kimble
No relevant interests to declare

Baroness Henig
Chair, Chartered Security Professionals Registration Authority
President, Security Institute
Non Executive Chair, Securigroup Ltd (Based in Glasgow)

Lord Judge
No interests declared

Baroness McIntosh of Pickering
Non-executive Chair, The National Proof of Age Standards Scheme (PASSCO CiC)
Non-practising Member of the Faculty of Advocates

Co-Vice Chair, All Party Parliamentary Group on Food and Drink
Vice Chair, All Party Parliamentary Group on the Night Time Economy
All Party Parliamentary Group on Food and Drink, Member
All Party Parliamentary Group on Wine and Spirits, Member
Occasional hospitality from the Scotch Whisky Association
Judge, Food and Drink Federation (FDF) Community Awards 2021 and 2022

Previously received briefings and hospitality from the Scotch Whisky Association

As an MEP, in approx. 1996–98 was assisted by David Williamson, who then became Public Affairs and Communications Director of the Scotch Whisky Association

Baroness Scott of Needham Market

Vice President Local Government Association

President National Association of Local Councils

Lord Taylor of Holbeach

Chairman of the visitor economy sub group and the midlands engine APPG

Baroness Walmsley

No relevant interests to declare

Earl Howe has recused himself from this inquiry on grounds of ministerial propriety.

A full list of members' interests can be found in the Register of Lords' Interests:

<https://members.parliament.uk/members/lords/interests/register-of-lords-interests>

APPENDIX 2: LIST OF WITNESSES

Evidence is published online at <https://committees.parliament.uk/work/1731/licensing-act-2003-followup/publications/> and available for inspection at the Parliamentary Archives (020 7219 3074)

Evidence received by the Committee is listed below in alphabetical order.

Leenamari Aantaa-Collier, Partner and Head of Planning, The Wilkes Partnership Solicitors	QQ 1–8
The Rt Hon. Stuart Andrew MP, Minister of State (Minister for Housing), Department for Levelling Up, Housing and Communities	QQ 16–26
Joanna Averley, Director and Chief Planner, Department of Levelling Up, Housing and Communities	QQ 16–26
Councillor Jeanie Bell, Licensing Champion and Member, LGA's Safer, Stronger Communities at St Helens Borough Council, Local Government Association	QQ 1–8
Sarah Clover, West Midlands Regional Chair, Institute of Licensing and Barrister, King's Chamber	QQ 1–8
Department for Levelling Up, Housing and Communities	LAC0002
Assistant Chief Constable Scott Green, Alcohol Harm and Vulnerability Lead, National Police Chiefs' Council	QQ 9–15
Institute of Licensing	LAC0006
Michael Kill, CEO, Night Time Industries Association	QQ 9–15
Local Government Association	LAC0004
The Rt Hon. Kit Malthouse MP, Minister of State (Minister for Crime and Policing), Home Office	QQ 16–26 LAC0003
Kate Nicholls OBE, CEO, UKHospitality	QQ 9–15
Night Time Industries Association	LAC0001
UKHospitality	LAC0005

APPENDIX 3: ACRONYMS AND ABBREVIATIONS

ABV	Alcohol By Volume
BIDs	Business Improvement Districts
DLUHC	Department for Levelling Up, Housing and Communities
GDS	Government Digital Service
IoL	Institute of Licensing
LGA	Local Government Association
LNL	Late Night Levy
MUP	Minimum Unit Pricing
NPCC	National Police Chiefs' Council
NPPF	National Planning Policy Framework
NTE	Night Time Economy
PAS	Planning Advisory Service