



**Government Response to the Post-Legislative Scrutiny  
of the Licensing Act 2003 – Follow Up Report**

Presented to Parliament  
by the Secretary of State for the Home Department  
by Command of His Majesty

November 2022



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## **Government Response to the Post-Legislative Scrutiny of the Licensing Act 2003 – Follow Up Report**

### **Introduction**

1. The Government is grateful to the House of Lords Liaison Committee for its considered and detailed report following up the Select Committee's post legislative scrutiny report on the Licensing Act 2003<sup>1</sup>.
2. This Government recognises that the majority of people drink at lower-risk levels and enjoy alcohol as part of socialising, both at home and out and about. However, we also recognise that alcohol related harms remain of concern and need to be addressed.
3. The Licensing Act 2003 regulates four licensable activities, namely the sale and supply of alcohol, the supply of alcohol in clubs, provision of regulated entertainment, and provision of late night refreshment. The Act aims to strike the right balance between providing safeguards in the licensing system to prevent nuisance, crime and disorder, while recognising the contribution licensed premises make to thriving night-time economies.
4. The Government believes that the Licensing Act 2003 sets out a clear and effective legislative framework to regulate licensable activities nationally balanced with considerable local autonomy allowing areas to develop their own localities and economies based on their unique character and needs. We keep the Act under review and continue to work closely with licensing practitioners to ensure the regime remains fit for purpose and meets emerging challenges such as new digital technologies. There is a considerable body of good practice around implementation of the licensing regime for areas to draw on where needed.
5. We have seen a decrease in the total volume of both on- and off-trade alcohol purchased from 9.6 litres per adult aged 16+ in England and Wales in 2010 to 9.0 litres per adult in 2021<sup>2</sup>. This declining trend appears to be driven by adults aged 16 to 54, with higher proportions reporting either not drinking in the last 12 months or drinking within the current Chief Medical Officer's guidance of 14 units per week in England in 2019, compared to 2011<sup>3</sup>. The change in those reporting not drinking in the last year was largest among those aged 16-24, increasing from 19% in 2011 to 28% in 2019. There has also been a decrease in the proportion of people aged 16 years and above meeting the criteria for 'binge drinking' (consuming over six units (for females) or eight units (for males) on any day in the last week) in

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<sup>1</sup> [House of Lords Liaison Committee, The Licensing Act 2003: post-legislative scrutiny Follow-up report, 2nd Report of Session 2022-23 - published 11 July 2022 - HL Paper 39](#)

<sup>2</sup> <https://publichealthscotland.scot/media/13691/mesas-monitoring-report-2022-alcohol-sales.xlsx>

<sup>3</sup> [Health Survey for England 2019 \[NSI\] - NHS Digital](#) Table 10

England, which has fallen by almost a quarter from 2006 to 2019, from 20% to 15%<sup>4</sup>.

6. However, weekly alcohol consumption for older adults in England increased between 2011 and 2019. The average weekly units of alcohol consumed in the 65–74-year-old group increased by 23% from 12.2 units in 2011 to 15.0 units in 2019, and was also higher for those aged 55-64 over the same period<sup>5</sup>. Additionally, in 2019, the number of deaths due specifically to alcohol were highest for those aged 50 to 64 in England, which accounted for 49% of all alcohol-specific deaths that year<sup>6</sup>.
7. Alongside shifts in consumption, there has also been significant movement in where people buy alcohol and what they drink. For example, beer constituted 58% of the on- and off-trade market in England and Wales in 1994, but in 2021 it had fallen to 35% of the market<sup>7</sup>. Even before the pandemic, on-trade premises had experienced a 50% decline in the annual units purchased per adult between 1994 and 2019, whilst off-trade units purchased per adult rose by 71% between 1994 and 2019, leading to a gap emerging between off-trade and on-trade alcohol sales<sup>8</sup>.
8. The shift from on- to off-trade may have been exacerbated by the COVID-19 pandemic, which saw the closure of on-trade establishments during periods of lockdown. Between 2019 and 2020 (before, and during, the first year of the pandemic), the volume of off-trade sales increased by 25% in England<sup>9</sup>. While 2020 was unique and not representative of a 'normal' year, it is important to monitor these changes to determine if they represent a one-year anomaly or a longer term shift in purchasing patterns. The first year of COVID-19 (2020) also saw deaths caused specifically by alcohol increase by 20% in England, compared to 2019<sup>10</sup>. These deaths were driven by alcoholic-liver disease and have been linked to increased alcohol consumption among those already drinking at heavy levels.
9. Pre-pandemic, online sales of alcohol was a growth area and, although the data on the impact of the pandemic on alcohol purchasing is still emerging, it may have speeded up a trend of increasing online sales. It will be vital to ensure that the Licensing Act remains an effective framework to regulate the sale and supply of alcohol against a backdrop of rapid technological advances, including increased use of automated checkouts and digital processes. In order to understand more

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<sup>4</sup> [Health Survey for England, 2019: Data tables - NHS Digital](#) Table 15

<sup>5</sup> [Health Survey for England 2019 \[NS\] - NHS Digital](#) Table 10

<sup>6</sup> [Office for National Statistics 2021](#) – alcohol-specific deaths by sex, age group, and individual cause of death

<sup>7</sup> <https://publichealthscotland.scot/media/13691/mesas-monitoring-report-2022-alcohol-sales.xlsx> 'England and Wales data'

<sup>8</sup> <https://publichealthscotland.scot/media/13691/mesas-monitoring-report-2022-alcohol-sales.xlsx> 'England and Wales data'

<sup>9</sup> [Public Health England, 2021](#) – Monitoring alcohol consumption and harm during the COVID-19 pandemic

<sup>10</sup> Ibid

about the online / remote sale and supply environment, we will be carrying out a call for evidence to help shape future policy planning.

10. The Government recognises that despite some encouraging trends, the harms associated with alcohol remain too high, with a link between alcohol and violent crime. Although the Crime Survey for England and Wales (CSEW) data shows that there has been a long-term decline in the annual number of alcohol-related violent incidents, falling from around 1 million incidents in 2009/10 to 525,000 incidents in 2019/20, data shows that in 42% of all violent incidents the victim believed the perpetrator to be under the influence of alcohol in 2019/20<sup>11</sup>.
11. Alcohol can also be a contributory factor in incidents of minor crime and anti-social behaviour. The CSEW for the year 2019-20 shows that 12% of adults had personally experienced or witnessed drink-related anti-social behaviour<sup>12</sup>. Between 2019-20, around one eighth of adults (13%) perceived people being drunk or rowdy in public places as a very/fairly big problem in their local area. While the longer-term trend shows a decrease from 24% in 2010/11<sup>13</sup>, we are still committed to reducing this trend further. In addition, in 2019/20, in 34% of incidents of domestic violence, the victim perceived the offender to be under the influence of alcohol<sup>14</sup>. We will establish a national working group on alcohol-related crime to explore existing promising practice and further opportunities to tackle these issues, particularly in the night-time economy.
12. As the then Government set out in the response to the Committee's original report, tackling these issues and encouraging lower-risk drinking cannot be done by licensing regulation alone. Evidence has shown that effectively tackling alcohol harms requires a coherent, consistent systems-level approach that includes licensing regulation among a number of other interventions<sup>15</sup>. Together, these changes can create a supportive environment to help individuals who want to reduce their consumption do so.
13. Since the original report, successive governments have driven forward an ambitious programme of work to tackle a range of alcohol-related harms.
14. 31 March 2022 marked the one-year anniversary of the Alcohol Abstinence Monitoring Requirement being introduced in England. The requirement is part of a Community Sentence and bans the consumption of alcohol for up to 120 days, monitored by an alcohol tag. Over 3,500 alcohol monitoring orders were imposed

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<sup>11</sup> [Nature of crime: violence - Office for National Statistics \(ons.gov.uk\) Table 10](#)

<sup>12</sup> [Crime in England and Wales: Other related tables - Office for National Statistics \(ons.gov.uk\)](#) March 2020 Table F13a & F13b (10/03/22)

<sup>13</sup> [Crime in England and Wales: Annual supplementary tables - Office for National Statistics \(ons.gov.uk\)](#) March 2020 Table S34

<sup>14</sup> [Nature of crime: violence - Office for National Statistics \(ons.gov.uk\) March 2020 Table 9f \(10/03/22\)](#)

<sup>15</sup> [A rapid evidence review of the effectiveness and cost-effectiveness of alcohol control policies: an English perspective](#) – Burton et al., 2017

during the year ending March 2022. At the end of March 2022, the compliance rate of those fitted with an alcohol tag was 97.2%. Compliance with alcohol monitoring is calculated from days in which the tag has not generated a tamper or alcohol alert<sup>16</sup>. At 31 March 2022, 900 individuals were being actively monitored for alcohol consumption. Over the next three years around 12,000 offenders will wear an alcohol tag.

15. In June this year, we completed the roll out of alcohol monitoring on licence for prison leavers across England and Wales, making alcohol tags available where alcohol misuse is a contributing factor to risk and reoffending. This is a world-first and follows the successful introduction of the tags to monitor compliance with the community sentence requirement that bans drinking after alcohol fuelled offending.
16. We are undertaking the biggest reform of alcohol duties for over 140 years and introducing a new, simplified alcohol duty system based on the principle of taxing alcohol by strength, to modernise the existing duties, support businesses and meet public health objectives. The consultation response document was published in September 2022 and includes the confirmation that Government will evaluate the reforms after three years<sup>17</sup>.
17. In addition, there is a strong programme of work underway to address alcohol-related health harms and their impact on life chances.
18. Through the Drugs Strategy, published in December 2021, we are making the largest ever single increase in drug treatment and recovery funding, with £533 million<sup>18</sup> invested to rebuild local authority commissioned treatment services in England. While the focus of the Strategy is drugs, commissioning and delivery of drug and alcohol treatment services is now almost entirely integrated in England. This means that implementation of the strategy will also benefit people seeking alcohol treatment, through mechanisms such as new commissioning standards, plans to build back the workforce and the treatment funding settlement.
19. We are sharing learning from our four-year Children of Alcohol Dependent Parents programme through a national evaluation, due to be published later this year, and through the launch of an online central resource hub, for use by commissioners and practitioners. Building on this, all local authorities will be able to use their drug strategy funding to invest in improving services and support for these children and families and expand provision to include children affected by parental drug misuse.

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<sup>16</sup> [Electronic Monitoring Publication, England and Wales: 01 April 2021 to 31 March 2022 - GOV.UK \(www.gov.uk\)](#)

<sup>17</sup> [The new alcohol duty system: consultation - GOV.UK \(www.gov.uk\)](#)

<sup>18</sup> [From harm to hope: a 10-year drugs plan to cut crime and save lives \(publishing.service.gov.uk\)](#)

20. As part of the NHS Long Term Plan, NHS England and NHS Improvement has invested in an ambitious programme to establish specialist Alcohol Care Teams in the 25% of hospitals with the highest rates of alcohol-dependence-related admissions. We have also committed to increase the availability of alcohol-free and low-alcohol<sup>19</sup> products to help shift the general population's consumption of alcoholic drinks to lower strength alternatives. We aim to deliver a significant increase in the availability of alcohol free and low alcohol products by 2025.
21. The Select Committee's original report provided a detailed set of recommendations which the Government considered carefully before publication of its response in November 2017. Since publication of that response, work has been taken forward to deliver a number of the Committee's recommendations. The report has continued to be a useful resource and has contributed to shaping our approach to licensing over the years since its publication.
22. Since the publication of the report, the Government has:
- published a substantial revision of the section 182 Guidance in April 2018. It included improved guidance on the synergies between licensing and planning systems, licensing appeals, the hearings process, governance of licensing committees and sub-committees, reviews and summary reviews, temporary event notices and statutory cumulative impact assessments.
  - worked with the Local Government Association (LGA) to address some of the concerns raised by the Committee on licensing issues via the LGA's handbook on licensing.
  - engaged extensively with stakeholders on the issue of drunk and disorderly passengers at airports and carried out a Call for Evidence to explore the option of extending all provisions of the Licensing Act 2003 to airside premises.
  - with the Institute of Licensing held two workshops on planning and licensing followed up by a letter from the then Minister of Policing and Crime to chairs of local licensing committees to reinforce expectations that the local planning and licensing regimes should work effectively together.
  - introduced a new, higher duty band on cider between 6.9% and 7.5% alcohol by volume from 1 February 2019 to tackle the consumption of cheap high strength "white" ciders and help reduce the harm associated with these drinks.
  - published proposals for a reform of alcohol duty based on the principle of taxing alcohol by strength.
  - continued to identify opportunities to work with stakeholders to develop training packages.
  - completed the second phase of the Local Alcohol Action Areas programme, which saw impressive multi-agency action taken at a local level through

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<sup>19</sup> [Low Alcohol Descriptors Guidance](#) – defined as 1.2% alcohol by volume or less



collaboration between industry, police, local authorities, public health and other partners.

23. Many of these issues will remain part of the ongoing work by Government aimed at continuous improvement and collaboration to ensure that the licensing regime remains fit for purpose and meets new and emerging challenges as we move further into the 21<sup>st</sup> century.
24. We thank the Liaison Committee for its continued interest in, and work on, this important piece of legislation. The Government has considered the recommendations in the follow up report and the Government's response is below.

### **Coordination between the licensing and planning systems**

#### **Conclusions and recommendations 1-3**

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)

#### **Government response**

The Government acknowledges that coordination between the licensing and planning systems is important, but considers that the systems are separate, with two very different and distinct objectives and approaches.

Planning authorities are already party to all licensing applications in their role as a responsible authority under the Licensing Act and the Act allows the licensing committee to discharge functions other than licensing matters where a matter relates to a licensing function and another function of the local authority, including planning.

The powers are there to enable planning and licensing to work together to support the needs and aspirations of local communities and we do not intend to introduce an additional mechanism.

We welcome the Committee's view that pavement licensing is a good example of integration of the licensing and planning systems, in that planning permission is granted for an activity pursuant to a licence if one is granted, and we will look to retain this as we seek to make this policy permanent.

As the Committee noted in its report, the Government has encouraged collaboration by co-hosting workshops with the Institute of Licensing and considering the content of the section 182 Guidance on this issue. However, we recognise that good practice is not as widespread as it could be and that how the two systems interact can be inconsistent. We will revisit the section 182 Guidance with a view to strengthening advice on local coordination and the expectations of the local systems further.

In addition, we would encourage local authorities to contact the Planning Advisory Service (PAS), part of the Local Government Association, for both support and training opportunities. PAS has a wealth of knowledge and experience and can help local authorities with a variety of topics, including queries relevant to this area.

#### **Recommendation 4**

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)

#### **Government response**

The Government is making the temporary pavement licensing regime permanent through the Levelling Up and Regeneration Bill. The licences considered under this regime jointly grant planning permission and a licence for the use of outdoor furniture, streamlining and coordinating the systems.

The permanent regime will retain and enhance enforcement powers for local authorities. They can require a license holder to take action if they fail to comply with individually set conditions of the permission.

## **‘Agent of Change’ principle**

### **Recommendation 5**

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)

### **Government response**

The Government agrees with the Committee’s recommendation and the ‘Agent of Change’ principle has been included in the section 182 Guidance and will be published in an updated version later this year.

### **Recommendation 6**

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)

### **Government response**

The Government recognises the importance of ensuring that existing facilities, including cultural venues and businesses (including those associated with the night-time economy), do not have unreasonable restrictions placed on them as a result of changes in their area due to new development. The National Planning Policy Framework (NPPF)<sup>20</sup> includes the ‘Agent of Change’ principle (see paragraph 187). This means that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Furthermore, existing businesses and facilities should not have unreasonable restrictions placed on them because of development permitted after they were established.

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<sup>20</sup> [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Where the operation of an existing business 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.

Our Planning Practice Guidance (PPG) on Noise, which supports the NPPF, revised in 2019, provides further detail in relation to the 'agent of change' principle and how this can be applied. This states that development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme. In this circumstance, the applicant (or 'agent for change') will need clearly to identify the effects of existing businesses that may cause a nuisance (including noise) and the likelihood that they could have a significant adverse effect on new residents/users.

In carrying out the above, the 'agent of change' will also need to take into account any other activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made. They will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified.

It is ultimately for the local planning authority, as per planning law, to determine applications for planning permission in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.

The National Planning Policy Framework was last updated in July 2021. However, the changes proposed by the Levelling Up and Regeneration Bill will likely require a more fundamental review of planning policy. We will announce such changes in due course.

## **Training**

### **Recommendations 7, 8 and 9**

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 subcommittee 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)

### **Government response**

The Government continues to recognise the importance of effective training for all professionals involved in the licensing regime including councillors, police licensing officers, and responsible authorities amongst others. However, we do not intend to introduce a formal minimum standard for training as the Committee's suggests nor put in place prohibitions on participation.

Excellent training provision for professionals involved in licensing work is already accessible via the Institute of Licensing, the Local Government Association and other accredited providers. We welcome the ongoing commitment and work by such organisations to provide good quality training to all professionals involved in licensing. The increase in online provision over the course of the pandemic has also offered opportunities to increase reach of training packages.

To ensure there is widespread awareness and take up of the existing licensing training, we will discuss with training providers whether any additional signposting can be helpfully included in the section 182 Guidance and continue to support efforts to ensure all those involved in licensing work are trained accordingly.

### **Conclusion and recommendation 10 and 11**

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)

## **Government response**

The Government echoes the Committee's commendation for those developing this important training package. We will support efforts to ensure that it is implemented.

## **Access to licensed premises for disabled people**

### **Recommendations 12 and 13**

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)

## **Government response**

The Government recognises that challenges still remain to ensure that disabled people can easily access licensed premises where many of us choose to socialise and are an important part of our daily lives.

The Government position remains that the Licensing Act should not be used as a means to control other aspects of licensed premises or ensure compliance with other legislation such as the Equality Act 2010. We do not consider it necessary to take new legislative or regulatory measures in addition to the existing legislation.

The Equality Act 2010 already provides robust protections for disabled people who may encounter difficulties in accessing licensed premises. As with other service providers, pubs, bars and restaurants are under a duty to make reasonable adjustments to enable disabled customers to use their premises and facilities. This duty is anticipatory, meaning such establishments should expect that a proportion of their customers will, for example, use a wheelchair, and plan accordingly, perhaps by installing ramps where possible and an accessible toilet. Such businesses should not wait until such accessibility requests are made.

The failure by a licensed premises to make such adjustments amounts to direct discrimination and a court may require remedies and award compensation to the

affected disabled person in such cases where such adjustments are assessed as being reasonable. The Equality and Human Rights Commission has a monitoring role in how the Act is being complied with in particular sectors and can take action where this is considered necessary.

It is not, however, consistent with how the Act is intended to work for it to set specific accessibility standards for particular industries, nor would such arrangements be workable. The reasonable adjustment duty recognises that what is reasonable will vary depending on the specific circumstances. Having blanket rules that, for example, forced all pubs to have an entry ramp would ignore the fact that this might be unsafe in some instances, for example where the pub was on a busy road with minimal pavement, or where it was a listed building.

We have however commissioned a full review of Part M of the Building Regulations, relating to access to and use of buildings. It includes a research programme on the prevalence and demographics of impairment in England and ergonomic requirements and experiences of disabled people.

We hope that the evidence gathered will help the Government to consider what changes can be made, including reviewing and potentially making updates to statutory guidance which has a volume of guidance relating to buildings other than dwellings.

Building Regulations cannot be used to licence activities and relate only to building works. Powers in the Building Act and its Building Regulations are not retroactive and there is no way a building controller can require an existing building to modify or change its layout. There is no connection between the process of licensing and the building control application. Building control bodies review building works and certify if works meet the requirement of Building Regulations.

## **The Night-time economy**

### **Recommendation 14**

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)

### **Government response**

The Local Alcohol Action Areas (LAAA) programme saw impressive multi-agency action taken at a local level in both phases one and two.

While the LAAA approach to supporting action in local areas has been successful, we think that it has run its course and have no plans to replace the programme. As the Committee has noted, there are now many initiatives which the hospitality sector has in place to support the night-time economy. We will continue to engage with the sector and consider other ways in which local areas can be supported to reduce alcohol harms.

We continue to take action to improve the safety of women at night, tackle drink spiking in licensed premises and work with partners to reduce incidents of violence in the night-time economy. To support this work further, we are establishing a National Working Group to bring together policing and licensing partners with a focus on police led interventions to reduce alcohol-related offending, sharing good practice, exploring innovative approaches and maximising the use of existing licensing powers.

### **Late night levy**

#### **Recommendations 15 and 16**

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)

### **Government response**

The Government intends to deliver its commitment to consult on the level of Late Night Levy to be applied to late night refreshment premises at the earliest opportunity. Data on local areas' use of the Late Night Levy is collated via the Alcohol and Late Night Refreshment statistical bulletin and we do not intend to carry out a formal consultation on the impact of the Levy.

#### **Recommendation 17**

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)



## **Government response**

The Government recognises the important role Business Improvement Districts (BIDs) can play in improving the local trading environment. Many BIDs deliver a range of projects which help to strengthen the local night-time economy, from funding ambassadors to act as a visible and welcoming presence on city streets to undertaking projects which help to keep the BID area clean and safe.

The Government is supportive of local authorities considering if and how a BID may further support their night-time economy.

## **Pricing and taxation of alcohol**

### **Recommendation 18**

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)

## **Government response**

Like the Committee, we maintain an interest in the impact of minimum unit pricing in Scotland and look forward to seeing the findings from the evaluation. We will consider those findings in detail once available.

### **Recommendation 19**

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)

## **Government Response**

The Government published the consultation response in September 2022<sup>21</sup> and will evaluate the alcohol duty reforms after three years.

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<sup>21</sup> [The new alcohol duty system: consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/the-new-alcohol-duty-system)

## **Sale of alcohol airside**

### **Recommendations 20 and 21**

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)

### **Government response**

The Government agrees with the Committee that disruptive incidents caused by excessive alcohol consumption at airports or on aeroplanes are unacceptable.

In response to the Committee's original recommendation to extend all provisions of the Licensing Act 2003 to airside premises, the Government held a Call for Evidence on this issue.

As noted in the Government's response to the Call for Evidence published in December 2021, the information and evidence submitted did not make a compelling case for extending the provisions and we do not intend to revisit this decision.

We were impressed with the information provided to the Call for Evidence on the voluntary measures already underway by airside premises and airport authorities. Respondents gave examples of cooperation such as police patrols, police distributing leaflets at the check-in of 'high-risk' flights, writing their disruptive passenger policy in conjunction with police and police providing regular training to airport staff on how to respond to disruptive behaviour.

In addition, many airline, airport and industry respondents detailed their participation in the One Too Many Campaign. Other initiatives mentioned included Stansted Airport's 'Don't Ground Yourself' posters and Jet2's 'Onboard Together' campaign. One airport association referenced the 'Yellow Card' scheme facilitated by local police forces in many airports, and suggestions that 'Know Your Limits' messaging should be displayed at points of sale in bars and duty free.

## **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)

## **Government response**

The Government agrees that managing the removal of the licensing application platform should not have an undue negative impact on the licensing process. We have appointed a team to identify and implement the best solution.

## **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)

## **Government response**

The Government recognises the importance of establishing a record of refused, suspended and revoked personal licences. We will continue working with key partners to identify the most effective way of delivering such a database.

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