



HOUSE OF LORDS

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The Select Committee on the Licensing Act 2003

Inquiry on

LICENSING ACT 2003

Evidence Session No. 1

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Questions 1 - 15

TUESDAY 5 JULY 2016

11 am

Witnesses: Anna Paige, Andy Johnson, Kate McGavin, Lindsay Wilkinson and Rosanna O'Connor

Members present

Baroness Henig
 Lord Blair of Boughton
 Lord Brooke of Alverthorpe
 Lord Davies of Stamford
 Lord Foster of Bath
 Baroness Goudie
 Baroness Grender
 Lord Hayward
 Baroness McIntosh of Pickering (Chairman)
 Lord Smith of Hindhead

Examination of Witnesses

Anna Paige, Head of Drugs and Alcohol Unit/Drugs and Firearms Licensing Unit, Home Office; **Andy Johnson**, Head of Alcohol, Home Office; **Kate McGavin**, Deputy Director of Media and Creativity, Department for Culture, Media and Sport; **Lindsay Wilkinson** Deputy Director - Drug and Alcohol Policy, Department of Health; **Rosanna O'Connor**, Director, Alcohol, Drugs & Tobacco, Public Health England

Q1 Baroness Henig (in the Chair): May I warmly welcome our five witnesses and everybody who has come here? At the outset I will explain that our Chairman is not able to be here until 11.30 am. She sends her apologies. She will come as soon as she can and I will vacate the chair and she will take over. This session is open to the public. It will be broadcast live and will be subsequently accessible via the parliamentary website. A verbatim transcript will be taken of the evidence and put on the parliamentary website. A few days after the session you will be sent a copy of the transcript to check for accuracy. It would be helpful if you could advise of corrections as quickly as possible. After the evidence session, if you would like to clarify or amplify any points made during the evidence, or make additional points, you are welcome to submit supplementary evidence. Before I ask you to introduce yourselves, I thank the Home Office for their memorandum, which we have found extremely helpful. Would you like to introduce yourselves, starting from left to right?

Kate McGavin: I am Kate McGavin. I am the head of media and creative industries policy in DCMS and have responsibility for entertainment licensing.

Rosanna O'Connor: I am Rosanna O'Connor. I am Public Health England's divisional director for alcohol, drugs and tobacco.

Lindsay Wilkinson: I am Lindsay Wilkinson. I apologise in advance that I have a cold and therefore my voice is not very good. I am deputy director for drug and alcohol policy at the Department of Health.

Andy Johnson: My name is Andy Johnson. I am head of alcohol at the Home Office and my team is responsible for the Licensing Act 2003.

Anna Paige: I am Anna Paige. I am the head of the Drugs and Alcohol Unit and the Drugs and Firearms Licensing Unit in the Home Office.

Q2 Baroness Henig: Thank you very much. There are five of you, so do not feel the need to comment on every question. We have 14 questions and we are aiming to get through them in about an hour and a half, if that is possible. Could I set the ball rolling? We know what the four key aims of the Licensing Act 2003 are. Have these key aims changed since the Act was passed? If so, how have they changed?

Anna Paige: Our view is that the aims of the Act have not changed fundamentally since its introduction, and nor has the general approach to regulating the sale and supply of alcohol with respect to the four licensing objectives, which have not changed since the introduction of the Act. As you know, they are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The licensing objectives and the measures in place to support them continue as they were at the time the Act was passed. They attempt to balance the interests of communities, the licensed trade and local partners through that local decision-making framework, as the licensing authorities consider whether to grant a licence or to vary the conditions placed on a licence. Our view is that the fundamental framework of the Act and the aims that underpin it have not changed since it was introduced.

Q3 Baroness Grender: First, I need to declare my interest as the proud holder of a temporary event notice for this Saturday for a school summer fair. You are all very welcome. My question is about getting that balance right between the punitive approach and the fun approach, for want of a better description. The Licensing Act appears to be moving along a scale from light-touch regulation towards heavier regulation through subsequent amendments, with some notable exceptions, such as the Live Music Act 2012. The Act also seems to have been moving on a scale from encouraging and fostering tourism, leisure, culture and community events to protecting local communities by restricting alcohol use and

noise. Where is the Licensing Act currently on these scales, and is that a deliberate choice achieving identified aims?

Anna Paige: There are probably two parts to that question. There is the point about regulation and there is the point about the two scales; regulation and deregulation, and tourism, leisure, culture and protecting communities.

On the regulatory point first, our sense is that the Act as a whole has not moved towards heavier regulation. For some aspects of the Act deregulatory measures and amendments have been passed and in other areas there has been some tightening up. I will say a little bit from the Home Office perspective, and Kate is going to say a little bit from the DCMS side where, as you noted, there has been quite a lot regarding deregulation.

On the alcohol licensing side, temporary event notices are quite a good example of where an approach to deregulation has come in. The Police Reform and Social Responsibility Act relaxed the statutory limits on the duration of a single temporary event and extended the total cumulative period covered by temporary event notices from 15 days to 21 days per year. The regime has a sense of wanting to allow temporary events and for it to be reasonably straightforward to get a temporary event licence. Regulation has been reduced by raising the limit on the number of temporary events—from 12 to 15 a year—that can be held at a single premises. It is designed to give greater powers to licensing authorities and to communities, and to increase the flexibility of the temporary event notice arrangements.

There have been examples where things have been tightened up. The one notable example, and in fact the only new power that allows licensing authorities to restrict the sale of alcohol, is the early morning restriction order, which I know we will come back to in a later question. Kate, do you want to say something from the DCMS side?

Kate McGavin: The story in entertainment licensing has been predominantly deregulatory. Since around 2012 there has been a series of deregulatory legislative changes, and those have been on a risk-based approach, looking at the relative risks of some of the entertainments and the scale that they are taking place at. There has been deregulation around indoor sporting events, raising the audience limit to 1,000 people without requiring a licence; similarly around the performance of plays, dance, live entertainment and music, both recorded and live. That has been on the basis of looking at the relative risks and potential benefits to local communities of being able to take a more flexible approach. As we know, alcohol licensing is combined under this single regime. As I say, the DCMS has taken a

risk-based approach here and will continue to monitor these levels and ensure that they are correct. At the moment we feel that this deregulation has worked very well.

Baroness Grender: Do you feel the balance is right between the two competing requirements?

Anna Paige: We will keep looking at it. One of the measures introduced fairly recently, the community and ancillary sellers notice—Andy will tell you about the detail—when it commences will make it easier for bed-and-breakfast and similar establishments to offer alcohol as part of their offer. There is always a need to look at whether we have the right balance in respect of specific circumstances and balancing up the risk of particular activities. In talking to the trade, community stakeholders and different interest groups, each will tell you a different story about whether they would prefer greater or less regulation. Broadly speaking, we get a sense that, because none of them is entirely happy right now, we probably have the balance in the right place.

On the point about the scale from leisure and tourism to protecting local communities, on one level one could say that those things do not need to be in opposition to each other. The framework of the Licensing Act—local areas making decisions in respect of the licensing objectives but looking at the local circumstances—means that licensing decisions will vary from area to area. We know from conversations with local authorities that they sometimes vary within a local authority area because of the different circumstances of pockets of different communities within the local authority. That is a deliberate choice to allow different areas to locate themselves at different places along that scale and potentially even at different points in time to say, “The right thing for us at this stage is to put the emphasis in a particular place”.

Q4 Lord Foster of Bath: My question follows on from that. Kate McGavin talked earlier about a single regime. As we know, entertainment such as cinema, theatre, sports, arts, community activities, late-night refreshments, alcohol and much else is brought together into a single regime. It was much debated before the Act came in as to whether there should be a single regime for these very different types of activity, with potentially different requirements. A small arts venue is hardly going to be concerned about crime and disorder-type activities. My first question, which I want to follow up with the data in a second, is whether, in the light of what has happened, it is still the view of each of you that having that single regime is an appropriate way to go. I would ask you to reflect on the fact that the

Government clearly do not think that, because they have put some things in one department and some in another and are no longer bringing them together, so why should local authorities have to do it?

Kate McGavin: From an entertainment licensing perspective, you are right that the responsibility now sits across two departments, but as with a lot of other government policy the fit is often not perfect. The alcohol strategy sits with the Home Office, so there is logic to having that element of the Licensing Act sit with it. It would not be a perfect fit if the whole of the Licensing Act sat with DCMS.

Lord Foster of Bath: But the Act requiring local authorities to do what you are saying is not a perfect fit for a national legislative body and national government.

Kate McGavin: There is enormous benefit for the end users—the people applying for licenses—to have a single regime as opposed to having to apply for different licences for different activities. That is the approach that the Act takes: to streamline it to the benefit of businesses and community centres that are trying to navigate this system. For us the important point is that it has saved those end-users money and time and it makes sense to them.

From a policy perspective, it is true that we operate across two different departments, but we do that across a lot of different policy areas. It is also the case that, as you say, those different activities may have different levels of risk, and the policy reflects that. For example, the limits and restrictions on indoor sporting events are different from those for live music or the performance of a play, so it is possible for us to vary those policy requirements on the basis of risk. For example, the regulatory changes that we have made for travelling circuses mean that they are not now subject to licensing for all the different activities that might take place within the tented area that they provide. For them that is a great advantage.

Lord Foster of Bath: Does the Home Office share that view about two different departments covering it yet local authorities having to have it united?

Anna Paige: Yes, fundamentally. As Kate said, all the activities covered by the Act have the potential to impact on the four licensing objectives, and to look at them with respect to those objectives certainly makes a lot of sense. In our conversations with local partners we have had no great sense that they want the two to be split apart again.

Lord Foster of Bath: That is fine. I know Lord Brooke wants to come in on the second part of the question. Looking at the memorandum that has been provided and all the research that

has been done by outside bodies and Select Committees long before we started our investigation, it is quite clear that there is a mixed view on how successful bringing it all together in this way has been. Indeed, the memorandum says that it is not possible to say whether any of the identified changes were as a direct result of the Act or not.

My second question is in relation to whether or not we are collecting the right sort of data to enable us to make that judgment. If we are not, what additional data should we be collecting? For example, why do we not have a single national database of personal licence holders? Why do we not even have unanimity about the way data on alcohol-related activities in A&E units is collected? Are there changes that we should be making?

Anna Paige: To take your first point about the extent to which we can attribute changes in trends across the piece to the Act itself, I do not think that is specifically to do with the data that we collect. It is because we do not have a counterfactual; we do not know what the world would have looked like had the Act not been passed. Essentially, that is why we cannot attribute changes in crime levels or A&E admissions, or any of those things, specifically to the Act itself. There are other things that have happened over the last 10 years that could have had an impact on those. I do not think that collecting different data would allow us to say that a particular impact could be attributed to the Act.

On the point of the central licence holder database, there is always—in a sense going back to the point about regulation and deregulation—that balance to be struck in allowing local authorities, as we do currently, to collect that information in a way that works with their local processes. They are required to retain the information, but they do not have to do it according to the requirements of a central database. To date, the judgment of Governments has been that the argument lies in favour of allowing local flexibility rather than establishing a central database. I do not know whether health colleagues want to say any more about the A&E data point that you made.

Lindsay Wilkinson: Could you repeat the question about A&E?

Lord Foster of Bath: Even the way in which data is collected is not common. We have just heard that information about personal licences for a central database is not easily collected. My understanding is that, yes, we have data about alcohol-related incidents in A&E, but it is not collected in a standardised way and not everywhere does it to the same degree and so on. Should we be doing something about that?

Rosanna O'Connor: It might be worth saying that Public Health England is supporting a number of pilots at a local level, particularly where local authorities are interested in exploring the introduction of health as a licensing objective. Part of that approach is the gathering and sharing of data, as you have mentioned. One of the particular issues that has been identified is barriers such as the sharing of data across the NHS, local authorities, criminal justice partners and other local stakeholders. Public Health England has developed, and is currently testing, an analytical support package to help public health teams with their existing role as a responsible authority and to support areas in building an evidence base that could support decisions based on a licensing objective related to public health. That is a pilot that is currently under way. That seems to be the area of interest that you are talking about. We are expecting that to be evaluated and the findings to be published some time in the autumn, certainly within the timescale of your considerations, so that might be useful.

Lord Foster of Bath: Thank you very much indeed.

Q5 Lord Davies of Stamford: I apologise to colleagues and our visitors that I am going to have to leave at 11.30 am to speak in the European debate downstairs. In your studies of the Act—I am looking particularly at Ms McGavin and Ms Paige—and your monitoring of the working of the Act, to what extent have you looked abroad to see whether there are any lessons, negative or positive, that might be drawn from other licensing regimes in comparable countries? If so, would you say a word about what those lessons might be?

Anna Paige: Because the principal approach taken in the Act is that licensing is an activity that needs to take account of local circumstances—I reflected earlier that that can mean that decisions taken in one area may not have been taken in another area—we have not looked extensively at licensing as it operates in other countries. That is partly because, as I say, that sense of what works in another country might not necessarily be readily liftable and translatable into an England and Wales context. Because the Government's overall view is that the Act as currently framed meets its stated aim, they have not been looking to fundamentally change the way that the Act works.

We keep and will continue to keep a close eye on what the regime in Scotland looks like, how that works and the decisions taken in Scotland, which obviously have the closest bearing on how licensing operates in England and Wales. However, we have not done any explicit comparisons of licensing in England and Wales compared to other countries outside the UK.

Lord Davies of Stamford: I am disappointed by that response. I would hope that if I was in government and responsible for any particular area of policy or government activity, I would be alive to what was going on in exactly the same field in comparable countries. If you are in the private sector, you would certainly do that: you would keep tabs on what is going on among your competitors in the same industry or comparable situations. Does the DCMS have a different view, or do you take the same line as the Home Office?

Kate McGavin: No, we have the same view. I can understand the nature of your question. To some extent, it is about proportionality, how we deploy our resources and where we choose to focus our efforts. In this case, we have not had significant problems raised with us by the industry or our stakeholders, so we feel that for the moment the deregulatory measures that we have brought in since the Act and the Act overall are working well.

Lord Davies of Stamford: If I were to ask how the system works in Canada, the United States, Sweden, the Netherlands or France, you would not know the answer.

Kate McGavin: No, I would have to write to you.

Rosanna O'Connor: Would it be helpful to add that Scotland has a fifth licensing objective “to protect and improve public health”?

Lord Davies of Stamford: We are aware of that, yes.

Rosanna O'Connor: Those provisions are still bedding in in Scotland. We work with colleagues in Scotland through our national public health and licensing network and will be working closely with them through that network to understand the lessons learned of that aspect of the difference between ourselves and Scotland.

Lord Davies of Stamford: Scotland is not quite yet a foreign country, so it is not relevant to my question.

Rosanna O'Connor: I am sorry, I was just trying to be helpful.

Lord Hayward: Can I follow up with a supplementary on that? I am not sure about declarations of interest, but I have a declarable financial interest in Diageo and a financial interest in Marston's, but it is shareholdings and nothing more. Having been chief executive of the British Beer and Pub Association for a decade, including when this legislation was introduced, I retain close friendships with a fair number of different parts of the industry. I am interested by your comments about foreign countries, because one aspect of the legislation when it was introduced was that it might introduce a café culture: in other words, that there might be a move to a French or Spanish style of operation. You are saying now

that you have changed your approach to that which was linked to the introduction of the legislation in 2003.

Anna Paige: That sense of the intention of the Act in helping to bring about a more sensible drinking culture remains now just as much as it did then. Without wishing to comment on the Government's intention behind the Act at the time, expecting legislation to change culture is a tall ask. It does not do that on its own.

You will be acutely aware from debates at the time of the other factors that might play a part in whether we have a café culture in this country, not least the weather, the layout of town centres and any number of other things. We know, and you will have seen from the memo, that there has been a growth in establishments selling both food and alcohol. That has been a shift over the time that the Act has been in place that perhaps mirrors more of what you see in other countries.

Baroness McIntosh of Pickering took the Chair.

Baroness Henig: Following Lord Hayward's example, I declare my interests as the non-executive chairman of SecuriGroup, which employs door supervisors. I am also president of the Security Institute, and a member of both the Beer and the Wine and Spirit All-Party Parliamentary Groups.

The Chairman: I apologise for being late, but you have been in very good hands. Could I turn to Lord Brooke?

Q6 Lord Brooke of Alverthorpe: My declarations of interest are that I am: vice-chair of the All-Party Parliamentary Group on Alcohol Harm and was its previous chairman; patron of the British Liver Trust—we are seeing increasing deaths from cirrhosis and other problems relating to alcohol; patron of the Kenward Trust, which provides rehab primarily dealing with prisoners; and a member of the All-Party Group on Obesity, which has a link with alcohol, as you are aware.

What consideration have the Government given to the proposals for additional licensing objectives, such as public health, compliance with the Equality Act 2010, and the promotion of social and/or economic objectives? Do the Government have any plans—I ask this with tongue in cheek—to amend the licensing objectives?

Before I get to that, could I say that, rather like Lord Foster, I went carefully through the papers that you provided for us and I found a major deficiency in your looking at the consequences of the Act over a broader front. Given my background, which I have just described to you, I looked particularly at the topics that related to other harms. You have a small section on that and you make a cross-reference. You look at all the individual issues in isolation, mainly related to the Home Office, but there are some issues that relate to other harms. Four of them come up, and in particular, in the middle of page 84, I discovered the 2015 statistics on alcohol in the UK from the Health & Social Care Information Centre. If you take the trouble to look this up on the internet, you will discover in paragraph 441 that in 2014-15 there were 1,059,000 alcohol-related patient admissions to hospital. That was 5% higher than in 2012-13. Going back to 2005 when the Act came in, the figure was as low as 493,760. There has been a 115% increase in alcohol-related admissions to hospital. You mention only the figures where there has been a decline in violence that affects hospitals, yet this is a major area of change that has taken place over the past 12 years which the Home Office has failed to identify. These figures relate only to England. Wales is excluded. I would be grateful if you could find the figures for us on Wales, because my understanding is that what has happened in Wales over the past 12 years is even worse than in the UK. There is a change taking place that has not been identified by the Home Office, probably for structural reasons, because we have different departments involved.

Would you comment on that and say whether you accept that this is an issue of balance relating to the Act and which, given your overall summary on the way you feel it has worked well, is a major omission and needs to be put in the summary?

Anna Paige: On your point about whether we recognise that there are different impacts on health and other things, certainly we do.

Lord Brooke of Alverthorpe: Why have you not taken them into account?

Anna Paige: We work very closely with the Department of Health and Public Health England. We would certainly be happy to find the figures that you referred to for Wales and provide additional evidence to the Committee separately on health harms. I think Rosanna was going to deal with your particular point about the public health objective.

Lord Brooke of Alverthorpe: I am putting my question to you as the responsible department.

Anna Paige: On the question of whether we look at all the potential impacts that alcohol has on a community, yes, we do, absolutely. Do local authorities do that when they are making licensing decisions? We know that they do. Rosanna referred earlier to pilots that Public Health England is operating to look at how we can help local authorities in the sharing of data between health and other departments.

Lord Brooke of Alverthorpe: It does not figure in your report as being of importance.

Anna Paige: The report includes some evidence of health harms. I accept that it does not include all the evidence it could have done, and as I say we would be happy to put that right.

Rosanna O'Connor: Would it be useful to add that the majority of public health teams working within local authorities see licensing as a priority work stream? They want to support the licensing objectives to reduce the harms caused by alcohol in their communities and reduce the burden of alcohol harm to the NHS. Most are not looking to use the Act to reduce the number of outlets; they are more interested in the public health harms. PHE, the public health community and the Local Government Association have called for consideration of a health objective. You probably know this from the work that you undertake. Health harms are a known negative consequence of alcohol consumption, and licensing is a mechanism for regulating alcohol retail. From a fairly recent survey we know that 90% of directors of public health support the addition of health as a licensing objective and, as I said earlier when we were talking about the gathering of different databases at a local level to support the arguments in local licensing committees, we are supporting pilots to test the feasibility of introducing health as a licensing objective, linked to community impact policies known in the trade as HALO CIPs. Overall, that work highlights some promising approaches. I have talked about the way in which we are providing support to local authorities to help them mount those arguments, and we will come back with an evaluation of that pilot. We know at a local level that directors of public health are very focused on this.

Lord Blair of Boughton: Could I repeat the question? Are you going to be open to the suggestion that a public health objective is added to the Licensing Act? That is the simple question. The evidence that Lord Brooke has produced is pretty overwhelming. Is it the Home Office's position there should be a fifth objective?

Andy Johnson: At the moment there are no plans to add to the licensing objectives. The issue is complex, so while we recognise the evidence of the extent of the health harms relating to alcohol, adding an objective on health is not as straightforward as it might seem.

Lord Blair of Boughton: I am not suggesting that it is straightforward, but you have health saying that most local authorities are interested in doing it. Is the debate live in the Home Office?

Andy Johnson: Because of the work that Public Health England is doing to look at the feasibility of using information to take decisions about individual grants of licensing applications, we are interested in it, but to date that has been the main sticking point: that when an applicant makes an application to sell or supply alcohol, the issue from a health perspective is that, in order for health harms to be considered as part of that application process, they need to be attributable to that application. That is why we are interested in the work that Public Health England is doing.

The Chairman: Can I put the question in a slightly different way? The Minister at the time rejected the amendment to add public health as an objective during the passage of the Bill. Given the weight of evidence and expert opinion, do you believe that Ministers might be minded to review the Act in the way of adding a public health objective?

Andy Johnson: I think not.

Anna Paige: With respect, Chairman, you will have to ask them that when they appear in front of you.

The Chairman: Is there anything you would like to add on compliance with the Equality Act 2010 and the promotion of social and/or economic objectives?

Anna Paige: It is important to look at the environment for licensing as a whole with respect to the four objectives and other mechanisms. As we have said, we keep under review whether the objectives are the right ones and we have statutory guidance that local authorities need to take account of, which makes it clear that local authorities need to recognise the role of pubs and other licensed premises in local communities and minimise the regulatory burden on business. That is dealt with very clearly through the statutory guidance. Of course there is other legislation, such as the Equality Act, which they also have to take into account. You will know that the public sector equality duty has an impact on how they should take their decisions and applies to local authorities by virtue of the Equality

Act. We are mindful of the need not to repeat in one piece of legislation what is already covered by another piece of legislation.

Lord Brooke of Alverthorpe: I am broadly happy, but unhappy that such a big issue is missing from your report, and I think it needs to be amended accordingly so that the public at large can see what the concerns are.

Anna Paige: We would be happy to add further information.

The Chairman: DCMS, would you like to add anything?

Kate McGavin: I do not have a commentary on the alcohol element. I would say only that similarly we have no plans to consider the objectives. In areas where we have deregulated—for example, where you do not require a licence for up to 500 people—you are still subject to other pieces of legislation, such as health and safety, so it is not that this activity is undertaken in a completely regulatory-free environment.

The Chairman: Would the Department of Health wish to comment on public health being added as an objective?

Lindsay Wilkinson: It has been more or less covered so far. It is difficult to speculate about what the Government are going to do in the future.

The Chairman: Fair comment. Thank you very much. Could we turn to off-trade sales and Lord Smith?

Q7 Lord Smith of Hindhead: I have to declare my interests. I am the chief executive of the Association of Conservative Clubs, which is the second largest club organisation in the UK. I am also the chairman of CORCA, the Committee of Registered Club Associations, which encompasses all the main club groups within the UK. I am an executive member of the All-Party Parliamentary Group for Clubs and the All-Party Parliamentary Beer Group. You might think that this is a man who has donated his liver to the Conservative cause, but I can assure you that is not the case.

We all recognise and understand that life has changed very much in the last 10 years, as have social attitudes. I am always slightly suspicious of some of the statistics that come out. It says here that the Institute of Economic Affairs says that the consumption of alcohol has decreased by 17%, yet Lord Brooke's information would tend to suggest the opposite. We know that the majority of alcohol sold now in the UK is for off-consumption rather than on-consumption, and it is primarily through supermarkets and stores. We also know that the second highest number of establishments with 24-hour licences, after hotels, is

supermarkets and stores. The number of supermarkets and stores with 24-hour licences is about two and a half times greater than that of bars and pubs. The existing Licensing Act appears to treat off-trade almost as an afterthought with much lighter-touch regulation than for the on-trade. We are fascinated by whether we can establish a link or a trend to problems in the late-night economy that are caused by pre-loading: people who have bought sometimes very cheap alcohol in significant quantities in supermarkets, have consumed it at home and have gone out and had a couple of drinks in the evening at bars where the trouble is caused. Do you believe that the licensing regime may need some reform in this area? Do you agree that the solution to these problems may lie in a reform of the off-trade?

Andy Johnson: This is an issue that comes up in discussions with our partners. They raise concerns about alcohol bought through the off-trade feeding through to problems in the night-time economy. From the perspective of the Act, what is important is that the Act focuses on the sale and supply of alcohol and that the ability to regulate that, whether through the on-trade or off-trade, applies equally. To date, we have not been presented with any evidence about people who drink alcohol at home before they go on a night out and then go on to commit acts of violence late at night.

Regarding hard evidence, studies in Cardiff looked at where people may have bought their last drink, but so far we have no studies that show that the problems that occur in the night-time economy are directly attributable to the amount of alcohol that people have consumed before they have entered it.

The second part of that is no one has presented to us so far any concerns that the powers that are already available to local authorities to regulate the sale and supply of alcohol cannot be applied to the off-trade, or in conjunction with the on-trade to address those problems. We would need to see both those aspects before we would consider looking at whether the Act is suitable to address the shift in consumption or purchasing patterns from the on to the off-trade.

Lord Smith of Hindhead: It is very interesting that nobody has come up with the evidence. Living in the real world, as we all do, we know that some people buy large amounts of alcohol, consume it at home, go out in the evening pre-loaded and intoxicated and cause trouble after that. We need to establish whether supermarkets should take a little more responsibility for what they are selling and whether some of the conditions which the late-night economy is expected to participate in, whether it is Best Bar None, PubWatch, or the

alcohol responsibility deal, which always seem to lie on the on-trade, should be applied equally to the off-trade, bearing in mind that it is the off-trade that sells the majority of alcohol now in the UK. We know that heavy drinkers tend to purchase all their alcohol from supermarkets.

The Chairman: Can you keep your questions fairly short?

Lord Smith of Hindhead: That was quite short.

Baroness Goudie: Can I come in on the back of that? I do not have any interests in this world. I have lots of others but not in this one. On the off-trade, do you feel that there is anything to be said for having much tighter times when people can buy alcohol in supermarkets, including at night?

Andy Johnson: My opinion is not necessarily what counts in this area. We have to bear in mind that the number of shops with 24-hour licences is a very small proportion of the total number of licences.

Baroness Goudie: I disagree.

Lord Brooke of Alverthorpe: Are you aware that Amazon sells 24 hours a day, seven days a week, 365 days a year? They did not do that in 2005. There is a whole range of new off-trade sales taking place that is a different world entirely from one where you are at a shop and there is a licence on it. Are you not aware of that?

Andy Johnson: I come back to the point about the suitability of the Act. There needs to be evidence to show that the way in which the Act operates, and the powers that are already available to local authorities and other responsible authorities to regulate the sale and supply of alcohol through the off-trade, cannot be made to work.

Lord Brooke of Alverthorpe: Which local authority regulates Amazon?

Anna Paige: I would be interested to know evidence of the amount of alcohol that Amazon sells. Of course it sells everything 24 hours a day, 365 days a year.

Lord Brooke of Alverthorpe: It has gone into groceries.

Anna Paige: It is going into groceries in a very, very limited area of the country. I do not think we yet have any evidence that the sale of alcohol by Amazon is contributing at any level to the problems of the night-time economy.

Lord Brooke of Alverthorpe: But it is a change.

Lord Foster of Bath: You keep saying that you have not had the information, and I would like to return to that. I asked a question earlier about what data we should be collecting that we

are currently not collecting, and I had hoped you would say this very one in relation to off-sales. We live in the real world and we are all seeing it; I am sure you do. Is this not the very area where we should be collecting more data?

Lord Hayward: Before you answer that, can I ask a follow-on question? This is relevant to Amazon. I asked earlier whether you perceive online purchases as just another part of the off-trade or, given its growth, whether you now identify it as a separate element. In other words, as well as the on-trade, there is the off-trade and online trade, because it is not only pre-loading, of course, but post-loading.

Anna Paige: In respect of the data question, Lord Smith referred to what we know about the amount of alcohol that is purchased in the off-trade versus the on-trade. What we cannot do currently—and for anyone wishing to look at research this area would be ripe for more to be done on it—is identify a direct connection between the amount that is bought in the off-trade and problems in the night-time economy. Despite the increase in sales in the off-trade, we are seeing less crime and disorder and violence. I think it would be hard to say that there was a direct correlation between increased sales in the off-trade and problems with crime and disorder. Again, we do not have a counterfactual, so we could not say what would have happened.

Lord Brooke of Alverthorpe: It is not just crime and disorder.

Anna Paige: Indeed, but, again, we could not draw a direct link between one and the other. Even if we had the data, that would not allow us to say that one is caused by the other.

Lord Smith of Hindhead: Can legislation ever influence social attitudes and change fashions? The 2003 Act has not really created the café culture, although I accept that a number of pubs have closed, but premises licences have increased by 1% overall because there are more restaurants. Can legislation such as this only ever be reactive to changes in fashion and social habits?

Anna Paige: That is a wider question than this Act. There are examples of legislation that very clearly have led to changes in behaviour, and legislation can be a very powerful tool for bringing about changes in behaviour. There have clearly been changes in the way alcohol is viewed by individuals, by communities, by society. We see young people drinking less alcohol than they did 10 or 20 years ago. Legislation as part of a broader package of measures can absolutely bring about changes in views and attitudes.

Kate McGavin: The alcohol element is not directly related to the café culture, but obviously the level of deregulation in entertainment licensing has enabled a different approach to putting on arts and cultural events. It is certainly the case that has changed.

The Chairman: Mr Johnson, you said that you had no information on this specific area. Have you asked for such information?

Andy Johnson: Yes. When we engage with the police, either police forces or police and crime commissioners, this is a subject that we discuss regularly. We are interested in the attribution of incidents that may occur in the night-time economy around crime and disorder and whether they can be traced back to specific purchases of alcohol through the off-trade.

The Chairman: Could we turn to implementation and Lord Blair?

Q8 Lord Blair of Boughton: We are interested in the fact that there seems to be a disconnect between the view of Government nationally that this is coherent and the indications locally that it is not felt to be quite so coherent. In your memorandum, you state that the Act “is being used effectively in conjunction with other interventions as part of a coherent national and local strategy”. However, we know that the licensing committee is a different committee from the planning committee. How are you assessing the coherence of local strategies between licensing and planning? The Local Government Association says that the regime is “a complex maze of often historic legislation owned by a number of different government departments”. At the local level they do not see this as terribly coherent, but you appear to.

Anna Paige: Licensing and planning are two different regimes. They are overseen by the same local authority, and we know from conversations that we have had with local authority officers that those who oversee both those regimes talk to each other and engage with each other in looking at issues affecting the community. I think you are due to take evidence from DCLG officials at some point in the future, and no doubt they will talk to you more about how they see it from a planning perspective.

Lord Blair of Boughton: In your memorandum you say quite specifically that this is a coherent national and local strategy. On what basis do you say that?

Anna Paige: We see local authorities, licensing authorities, directors of public health, as Rosanna referred to earlier, police and crime commissioners and environmental health working effectively at a local level to make decisions about licensing. Clearly some of them do that more effectively than others. That is the nature of local government, the nature of

everything. Some areas work more effectively than others. We have done work over the last period specifically to look at partnership working arrangements within local authorities, and Andy can give some examples from the local alcohol action area work where we have some really excellent examples of local authorities coming together.

The point that we were aiming to make with the memorandum is that the fundamental aspects of the Licensing Act are about local decision-making, and they allow local authorities to make decisions in the context of their local strategy for a community, for business development, for diversification of the night-time economy, in a way that imposing a strict national framework would not necessarily support. Certainly in the way we work together at a national level with the Department of Health, Public Health England and DCMS, there are a number of different strategies that have a bearing on alcohol, but government departments work together in developing those.

Lord Blair of Boughton: Somebody wanted to ask a supplementary about the cumulative impact process.

Lord Foster of Bath: I did, although I was going to do it a little later. Let me ask it now, because it follows logically. You talk about everybody working together effectively. You talk about the licensing people and the planning people working together at a local level. You talk about Governments all working together and everything being nicely joined up. Given that we have a cumulative impact policy at the moment in regulation rather than law, which applies only to alcohol, has any thought been given to the possibility of having a more joined-up approach, where you could do what, for instance, improvement districts and other bodies now do, which is to bring all the different issues together and enable the local authority to take into account entertainment, late-night food, alcohol, cinemas, theatres—and I personally would want to include gambling in that—so that they can develop a proper whole night-time economy and a package around that? Why is the cumulative impact limited only to the alcohol bit of that big package of licensing?

Andy Johnson: On the point around the cumulative impact policies not being statutory, the Government have committed to put them on a statutory basis.

Lord Foster of Bath: Incidentally, do we know when?

Andy Johnson: That is a matter for Ministers, but a commitment was made in March in the modern crime prevention strategy to address that point, although that commitment is made specifically on the cumulative impact of licensed premises, not your broader point. That is

designed to address some of our concerns about the effectiveness of cumulative impact policies as they apply at the moment: whether they are being used effectively, the strength of the evidence that underpins the decision by the local authority to implement them, whether they are still required in a particular location, and the ability of a local authority to object to a licence that has been made when somebody may not have raised a particular concern.

Lord Foster of Bath: In simple terms you are saying that the Government are committed to putting them on to a statutory basis to be more effective, but no thought has been given to using this as an opportunity to widen the licensed activities that are covered within a community. Has there been no consideration at all? Has it not been raised and discussed?

Andy Johnson: No. We had discussions with the licensed trade and local government in the run-up to the publication of the modern crime prevention strategy about the policy work, and following the Minister's decision to commit to put cumulative impact policies on a statutory footing, and it did not come up.

Lord Foster of Bath: It is a pity that you keep referring to crime and disorder and not the other things, but there we are.

Kate McGavin: Could I add a point? The Mayor of London has a Night Time Commission at the moment, which is considering a pillar to do with well-being and culture. We have observer status on that. We maintain an open mind and will look at any recommendations that come from this commission and this Committee and will advise Ministers accordingly. We are not proactively undertaking that at the moment, but we will look at the evidence produced. DCLG may have more thoughts on that.

Q9 Lord Blair of Boughton: With your permission, Chairman, I am going to take two questions together. The principal change in the Licensing Act was to change the control of licensing from magistrates to local authorities. How effectively do you think local authorities have exercised their powers and duties?

Anna Paige: Our overall view is broadly that they have exercised them effectively. You asked specifically about reviewing licences. We can say a little more about the review process and how that operates, if that would be helpful.

Andy Johnson: On the point about the proportion of decisions that are appealed, it is quite small. In the figures most recently available for 2013-14, there were 111 appeals out of more than 21,000 applications. That covers not just fresh applications but applications for minor

or major variations in licences. There were 117 appeals against review decisions out of about 830 reviews, so about 14%. We believe that part of the reason why the number is so low is that there is a lot of discussion between applicants and local authorities through informal mediation during the course of the licensing process, where, as with any mediation, there will be a bit of give and take, so conditions may be added to the licence after the application has been submitted to address a particular concern of a local authority. We think that informal system before a decision is taken by a licensing committee is one that works effectively.

Lord Blair of Boughton: Again, this seems to be the issue about different regimes. Taxis can end up in the Crown Court but licensing cannot. Planning can go to the High Court. This appears to be an attempt by different government departments to lay down different structures and criteria for oddly similar kinds of things. If taxis can go to the Crown Court, where is the right of appeal in this? It is the lack of coherence that struck us all in the evidence that we received. That is the point I am putting to you. Do you feel there is anything worth pursuing? Are you having discussions about trying to make this work?

Andy Johnson: We have recently discussed the appeal system in licensing with our stakeholders—licensing solicitors, local government and the trade—and they are happy with the way the system works at the moment. They did not feel that there was a need for additional appellate authorities or different rights of appeal to different courts. They liked the system as it works at the moment, because it helps them to resolve problems at that local level without recourse to the courts.

Lord Blair of Boughton: What might help the committee is if you were able to produce some material that suggested that was the case. You had that consultation. Is there anything written down about that consultation that you could share with the committee?

Anna Paige: We could certainly look to write to you on that point.

Lord Blair of Boughton: I think it is quite important.

The Chairman: That would be very helpful. Before we leave this part, have you received any feedback from the consultations you have had about whether formal mediation in such disputes and appeals would be a way forward? We see the figure in the memorandum for the savings from this. I do not know what the figure is for the appeals process that have come out. Have you received any or do you have any thoughts on mediation?

Andy Johnson: As I say, no one has suggested that.

The Chairman: Could I suggest it now? Let me play devil's advocate in view of Lord Blair's question.

Andy Johnson: In the discussions that we have had with representatives of both the on and the off-trade, licensing solicitors and local government, no one has suggested that there needs to be either another appellate authority or the creation of some form of formal mediation process to resolve disputes.

The Chairman: What is the average length of time between an appeal being brought and being decided?

Andy Johnson: I would have to write back to you on that.

The Chairman: You must have that information.

Andy Johnson: Not to hand.

The Chairman: But you could write to us?

Andy Johnson: Yes.

The Chairman: We do not know where the evidence will take us, but would you be open to saving money through a mediation process that is less adversarial? As in every other walk of life, successive Governments have looked to introducing more mediation. Would you look to introducing that?

Andy Johnson: Yes.

Q10 Baroness Goudie: How effective has the guidance issued under the Act been in enabling local authorities and responsible authorities to keep up to date on the Licensing Act? Why is the Government removing the statutory basis of the guidance?

Andy Johnson: I will take the second part of that question first.

Baroness Goudie: Whichever is easiest for you.

Andy Johnson: The changes proposed in the Policing and Crime Bill will remove the requirement of the Home Secretary to publish the guidance in Parliament, but will not remove the fact that the guidance is issued under the Act, so it will still be a statutory document in that sense. The changes will simply allow the Home Secretary to decide how to publish the guidance in whatever way she considers appropriate. That would be online or through some other means. That change is designed to allow the guidance to keep up to date a little more readily with the changes that have been made. As you can tell from the memorandum, there have been quite a few changes to the Act and this will speed that process up.

We discuss the overall effectiveness of the guidance on a regular basis with our partners. Most recently we made a change to remove commentary on legal cases. Some people quite like the changes that we make, but there is always some disagreement. Some people quite like the legal commentary. There is always that tension on the amount of information that people would like to see from the guidance. The main thing that we do is try to make sure that not just changes to the guidance itself but changes to the Act are as well publicised as possible to make sure that they are signalled well to the people who will be affected by them.

Baroness Goudie: They understand why you are making the changes.

Andy Johnson: Yes.

Baroness Goudie: It is quite clear if we are making a change that we have to say why we are making it.

Andy Johnson: Yes.

The Chairman: Would you say that 16 changes to the guidance is quite a lot, considering that the Act has only been in force for 10 years? Does that strike you as a lot and rather confusing for practitioners?

Andy Johnson: The important thing is that the guidance is kept up to date, so as the Act changes, or different parts of the legal framework around which the Act is framed change, the guidance will need to change to reflect that.

Lord Brooke of Alverthorpe: Does this mean that the requirement to publish an application for a licence in a newspaper will disappear?

Andy Johnson: Ministers are not currently considering that.

Lord Brooke of Alverthorpe: Under this, will it be permissible not to go ahead? Do you think it will improve relationships between the public and the local licensing authorities?

Andy Johnson: The proposal in the Policing and Crime Bill relates only to the guidance that is issued under Section 182 of the Act. It does not relate to the way in which people are required to notify the public about the licensing applications.

Lord Brooke of Alverthorpe: So there will be no change arising from it.

Andy Johnson: No.

The Chairman: I am a non-practising Scottish advocate, but say I was a poor unsuspecting practitioner in this field, where do I go to find the guidance and what do you do to publicise the guidance updates?

Andy Johnson: The guidance is available on GOV.UK, and as well as the preliminary discussions on changes to the Act we will issue a press release. We will have discussions with some of our national partners, including the National Association of Licensing and Enforcement Officers, the Institute of Licensing, the trade press and licensing solicitors. Our approach is to try to contact as many people with as wide a coverage of this sector as possible. That said, we are always open to suggestions about how we can improve how the changes to the guidance are communicated to make sure that everybody who is affected is able to pick them up as quickly as possible.

Lord Brooke of Alverthorpe: But not Parliament.

Anna Paige: In the number of times the guidance has been updated, not once has Parliament commented on it. If Parliament wishes to see the guidance, it might have commented rather more frequently up until now.

The Chairman: Are there other areas where there have been as many changes to an Act requiring as many changes in the guidance?

Andy Johnson: I do not know.

The Chairman: We will move on.

Q11 Lord Hayward: What work have the Government been doing on the question of fees since the decision not to introduce locally set licensing fees? Do the Government plan to revisit this decision? Can I add a supplementary question, which follows on from the series of questions about the off-trade earlier? One recognises that fees can impact in two different ways. One is on the workload and would apply to very small functions and small licences in one set of circumstances, and the other is on the burden on society. I am thinking here of the off-trade selling vast quantities and a growing proportion of the alcohol but where the application is relatively simple. There is a concern around this table about the impact on society of the off-trade and its sales, and whether it is off or online does not matter.

Andy Johnson: The Local Government Association is currently doing some work. You may recall that the previous Administration consulted on locally set licensing fees. The level of responses from local authorities was quite low and the Government were unable to make a decision about whether to commence the legislation or not. The then Minister wrote to the association to ask it if it could do some work to improve the evidence base. The association conducted a survey earlier this year. The survey is now closed and we have had some initial

discussions with the association about some of the headline figures. It is currently in the process of going through the information to do some more detailed analysis. No decision has been made on what to do about licensing fees pending the discussions that we are about to have with it.

Baroness Grender: When do you envisage getting more information on that?

Andy Johnson: We had preliminary discussions with the Local Government Association four or five weeks ago. I could imagine those discussions starting up again in earnest after the Local Government Association has given evidence to this Committee.

Baroness Grender: We had an informal evidence-gathering session with them, and they made it clear that there is quite a shortfall and burden, and quite a difference. They also made clear, speaking again as a proud owner of a temporary event licence, that they would like to reduce fees for those kinds of events to encourage more community activity and make sure that they are getting proper bang for their buck from the much-harder-to-monitor licences. Is that a travel of direction that you think is quite interesting and that Ministers would consider?

Andy Johnson: It is potentially interesting, but we would need to wait to see the detail of the Local Government Association submission so that we know a little more about the details. Our initial conversation was all about what the headline figures say, not the overall approach that the Local Government Association would like to pursue for licensing as a result of the survey that it ran.

Q12 Lord Brooke of Alverthorpe: We have covered this question to some extent already, but we will have a repeat. The Licensing Act presupposes the right of the public to drink alcohol. Contrary to what might be common opinion, I support that. What is the Government's policy generally on alcohol and its impacts on society, including health, culture, leisure, tourism and crime? Is the Act supporting this policy generally? They produced a strategy in 2011, some of which has now been abandoned. We have recently seen the responsibility deal, which was at the core of that strategy, put on hold for the time being, and it is no longer operating. Given that we have been seeing reductions and freezes on duties in the last two or three Budgets with alcohol becoming cheaper, what is their approach overall?

Anna Paige: Overall, as you mentioned, Lord Brooke, they presuppose the right of the public to drink alcohol. They take the approach that alcohol is important for the UK's economy, and

that pubs, bars and restaurants are an important part of community life, but that the harms associated with alcohol, in relation to both health and crime, are often high. For communities in particular it can be very high. Their approach is that people should be able to go out or remain at home, enjoy a drink if they wish to, but they should be able to do that without being afraid that they might become a victim of crime or suffer because of alcohol-related antisocial behaviour, and they should be aware of the risks that they take in doing so to themselves and to their health. That is this Government's policy on alcohol. It has been the Government's policy on alcohol for some time. Our view on the Act, as you will have seen from the memorandum and know from what we have said, is that it works well overall in securing that. It cannot do that on its own. There are things that sit outside the legislation that are concerned with both mitigating those risks and ensuring that people get the information they need. Certainly on the health side, I know that Lindsay was keen to comment at this point.

Lindsay Wilkinson: If I am able to do so, I will. From the health point of view, the Government believe in informing and empowering individuals and providing up-to-date and accurate information, hence the CMO's new low-risk drinking guidelines. They have a role in ensuring that the system provides high-quality interventions to help mitigate, prevent and treat alcohol harm effectively. That is the overall health perspective on alcohol policy.

Baroness Goudie: Where do you see airports fitting into this?

Andy Johnson: Airports are exempt under the Act. That is mainly for practical reasons. The non-travelling public do not have access to airports; they are only for people who will fly. The Government's view is that the risks—I will come back to crime and disorder, naturally, as a Home Office official—of crime and disorder in an airport as a result of the consumption of alcohol are low. That is why airside is exempt from the Act.

The Chairman: But there are incidents of airport rage and incidents on ferries. You may remember that there was an incident on a Danish ferry from Newcastle to Holland where someone set fire to their cabin. Do you think there is now cause to reconsider? First, the Committee would like to understand the reasoning behind the exemption in the first place, if you could share that with us. Is this a good time to review that in view of airport rage and people being tanked up, pre-loading and post-loading when they get on a plane or a ferry, or indeed a train? We would like to understand why it was exempted and whether that exemption still holds valid.

Andy Johnson: It is probably sensible to uncouple the trains point from the airports point. As I say, the non-travelling public do not have access to airports. There are also practical reasons around the ability of licensing teams to carry out licensing inspections of premises that sell alcohol airside. The Act works on the premise that alcohol is sold in a fixed location, so moving vehicles are not licensed to sell alcohol, with the exception of trains. The system is that if the police or a local authority are concerned about potential levels of crime and disorder on a train—the most obvious example being trains that are transporting football supporters over large distances—the magistrates' courts can issue an order to ban the consumption of alcohol on those trains.

The Chairman: Airports were advised in 2015 to impose tougher restrictions on the sale of alcohol, but our understanding is that that has not happened.

Andy Johnson: There will be by-laws that are set by airport authorities.

The Chairman: Should it not be uniform across the United Kingdom rather than having by-laws? The problem is that people get nervous. They are not allowed to smoke on a plane, they are not meant to smoke in their cabin on a ferry, so they often turn to alcohol because they are nervous passengers. Would it not be better to have a blanket law through the guidance or revision of the Act so that it is the uniform policy in every airport in the UK?

Andy Johnson: That is not the premise of the Act. These decisions are taken by local authorities in the circumstances that apply to them. We would be interested to see what the Committee finds in relation to airports, ferries and ports. Our starting point is that to treat these locations the same nationally might cut cross the nature of the Act. If it is an area you want to make a recommendation on, we would be interested in that.

Lord Blair of Boughton: Again, it is this real-world issue. It is going into an airport and finding a lot people sitting around drinking pints of lager at 6.30 in the morning. You know they are going to get on a long flight and drink more when they are on there, and you ask yourself, "Why should this happen?" It has to be in the commercial interests of airports to sell alcohol, and they do not have to deal with the problem, which appears 3,000 feet up. You could make very simple adjustments here in the hours, pricing, and all the other things. It seems a strange anomaly, particularly at airports.

Q13 The Chairman: No one has raised it, so we might have a word after we have concluded. Could I mention my declarations of interest? I have a modest shareholding in Diageo, which is well below the registration requirement. I am honorary president of the Pickering

Conservative Club. I am a member of the APPGs on beer and wine and spirits, so I suppose I will be termed a “good-time girl”. Could I look at alcohol pricing as a mechanism and taxation as another? Which of the issues that the Committee has put before you today would you be most tempted as a regulator to look at: alcohol pricing, taxation, minimum unit pricing?

Anna Paige: You will know that pricing has been used as a form of control, whether in respect of taxation or, in other countries, in respect of minimum unit pricing. Historically, England and Wales have focused on taxation. In Scotland, the Government introduced a minimum unit price for alcohol, which you will know is currently subject to legal action. The Government have no immediate plans to introduce a minimum unit price for alcohol in England and Wales. That policy will remain under review, particularly while the legal action in respect of the Scottish decision is ongoing. We are keen to look at how that is going.

Whichever of those mechanisms is used—indeed, do the Government look at using any of them at a particular point in time?—there is always a need to weigh up the impact that might have on consumption and from there on the potential for harm, against the contribution of the alcohol industry to the economy. The Government’s current position is that they do not wish to use taxation or have the duty escalator in place. As I say, we are keeping the minimum unit price under review as things stand. Either one is a mechanisms that is open to Government to look at.

The Chairman: Do you believe there is any evidence that supermarkets—I think we touched on this slightly earlier—are using cheap lager and cider as loss leaders to bring people in and then charging more on wine and spirits? Could a policy on pricing or taxation adapt that?

Anna Paige: There is already a mandatory condition that they cannot sell below the permitted price. There have been successful prosecutions in the territory of not being able to sell below the price based on duty banding and the tax paid on it. We know that there are examples of trade taking steps to ensure that irresponsible promotions are not used to promote alcohol in a way that would be harmful to communities or to health. We keep an eye on that, as do the organisations that we frequently talk to about this. It is an important point.

The Chairman: Looking to health—this is a question either for Public Health England or for the Department of Health—are there parallels with taxation on tobacco, on cigarettes in particular, in guiding behaviour?

Rosanna O'Connor: It might be useful for the Committee to be aware that Public Health England was commissioned by the Department of Health a year or so ago to produce an alcohol evidence review, which we are in the process of producing. It is planned for publication later this year. In that report we will include an assessment of the wider international evidence of the impact of policy interventions on alcohol-related harms, including treatment, licensing and financial measures, both taxation and pricing. That report will be published before the end of the financial year and certainly within the timeframe of your considerations.

The Chairman: That will be very interesting. A particular concern is when you get 18 year-olds and over buying very strong cider for 12 and 13 year-olds. It should not happen. You could try to catch the 18 year-olds doing it or run after a 12 year-old, but even fit policemen would have great difficulty catching them. Is there any way we could close down that form of behaviour?

Lord Brooke of Alverthorpe: Could I ask a supplementary on that? Some of the manufacturers of white cider have voluntarily withdrawn it because it has been creating so much harm. Is this not an area where, if the manufacturers recognise it, there is a case for further re-examination of the alternatives that might be available for it to be either withdrawn or taxed in a different way? At the same time, will Brexit provide opportunities for different approaches entirely from anything that we have had in the past? For example, there will be greater freedom on VAT to apply it in a whole range of different areas at different levels.

The Chairman: Indeed, we could go back to having a sales tax.

Baroness Goudie: I am still hopeful.

Lord Brooke of Alverthorpe: Are you taking that into account too?

Anna Paige: On the latter point, as we get greater clarity about what future regimes may look like, of course we will take that into account, as well as the opportunities that may present for doing things differently.

On the point about underage sales, I am relatively new in this role, so I have had a number of conversations recently with stakeholders about the things that they are looking at and care about, and they say that underage sales is certainly something that retailers in particular, both on and off-trade, care very greatly about. They care about it in respect of direct sales underage, which are reasonably straightforward to deal with, in that the Challenge 21 and

Challenge 25 schemes are ways of making sure that you are much less likely to be selling to someone underage. They also have talked to us explicitly about how they can help to prevent indirect sales to underage drinkers through, as you say, either 18 year-olds, or even older people, and how they can look at the circumstances in which alcohol is being bought and the risk that might present to young children.

The Chairman: Could we return to crime and disorder?

Q14 Baroness Goudie: Late night levies and early morning restriction orders do not appear to be popular regulatory tools. What reasons would you give for the apparent reluctance to use these tools? How can the process for which they are designed be better achieved? How can we make a difference?

Andy Johnson: There are seven levies in existence in England, none in Wales, and no early morning restriction orders. Last summer we looked at the late night levy and some of the problems. Those discussions also touched on the early morning restriction order. The discussions identified a number of problems that local authorities felt made it difficult to introduce the levy. First, it was not sufficiently flexible and had to apply to the entirety of the local authority area, and it did not cover all businesses that operated in the night-time economy that might contribute towards crime and disorder. In relation to the first point, the order was too broad, so pubs that may stay open late at night but tend not to operate in busy town centre night-time economies will be swept up in the levy even though their impact on policing will be minimal or non-existent. There were some concerns about how the money was apportioned between the local authority and the police and crime commissioner, as well as the sorts of things that the money could be spent on. We have worked through some potential solutions to each of those, and Ministers are currently considering them. In the same way as with cumulative impact policies, there is a commitment to try to improve the late night levy in the modern crime prevention strategy.

The problems themselves might not entirely explain why there are only seven. We know that there are some local authorities that do similar things in this space but do not quite have a late night levy. Nottingham has a night-time economy business improvement district and Dalston in Hackney has a voluntary levy. Local authorities might think that some of these things serve their purposes a little better than the late night levy.

The discussions on the early morning restriction order revealed that in a sense the value of the EMRO lies as much in its threat as in its application. Some of the local authorities that we

spoke to that had considered it, although they had not quite got to the stage of consulting formally on it, and felt that it was a useful way of businesses operating in the night-time economy coming together to discuss what measures they can put in place voluntarily to address some of the crime and disorder concerns. Alongside that, it is worth bearing in mind that crime and disorder in the night-time economy has been falling.

Baroness Goudie: We are told that.

Andy Johnson: The statistics are well known. That may also explain why no local authority has decided to introduce an early morning restriction order.

Q15 The Chairman: Before we release you, we have had a very optimistic view that everything is rosy in the garden. Is that really what the departments and Public Health England think, or do you in your heart of hearts think that we could tweak the Act a little 13 years after it came into being?

Anna Paige: Our view is that, broadly speaking, the Act provides an appropriate framework for licensing. That is the picture that you will have got from the memorandum. That is not to say that government policy on alcohol should not continue to be under review and continue to be developed. On a number of occasions we have reflected that legislation is only part of that picture. We do not have a sense that the Act itself requires a fundamental rethink. That is certainly the case.

Andy Johnson: I would say the same. In the discussions that we have with stakeholders there is a clear sense that the Act is an improvement on its predecessor. No one has advocated to me seriously that they would like to see a return to the old system of licensing. They like the basic framework in which local authorities take decisions together with the other responsible authorities. They think that by and large it works well. They say there are things that they would tweak, but by and large people are happy with the fundamental basis on which the Act is framed.

Lindsay Wilkinson: From my point of view, not everything is rosy in the garden regarding health harms—not at all. However, it would be very difficult to attribute anything specific to the Act, because since 2005 consumption has continued to go down, although it has gone up since the 1950s for example. It is still double what it was then. It is not that we do not recognise absolutely that health harms are both comprehensive and bad. It is just difficult to associate them with the Licensing Act specifically. As Lord Brooke referred to earlier, last Thursday the Health & Social Care Information Centre produced a compendium of statistics

on mortality and morbidity, prescriptions, hospital admissions and so on, most of which are going in the wrong direction.

Rosanna O'Connor: I said earlier that Public Health England, the public health community and the Local Government Association have called for consideration of a health objective in the Licensing Act. That is known. Alcohol has a quite significant impact on health harms, so the interests of the public health community are focused on the Act as it is with the addition of a health objective. In fact, the Local Government Association, which I am sure you will probably be speaking to, has produced *Rewiring the Licensing Act* and is asking for some changes.

Kate McGavin: On the distinct area of entertainment licensing, the Act has been modified since 2003. We have deregulated further. At the moment we feel that those deregulations are popular, proportionate and effective, but we will continue to keep that under review, as with other policies.

The Chairman: Thank you very much. Rosanna, could you submit the publication that you say will be published by Public Health England this autumn?

Rosanna O'Connor: The evidence review, yes.

The Chairman: It would be very timely for us if we could have a formal copy. May I thank the witnesses very much indeed for being with us this morning and taking our questions? We are very grateful.