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The Select Committee on the Licensing Act 2003

Inquiry on

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Questions 63 - 69

TUESDAY 6 SEPTEMBER 2016

11.30 am

Witnesses: Ms Gill Sherratt, Mr James Lowman and Mr Miles Beale

Members present

Baroness McIntosh of Pickering (Chairman)
 Lord Davies of Stamford
 Lord Foster of Bath
 Baroness Greender
 Baroness Henig
 Lord Mancroft
 Lord Smith of Hindhead

Examination of Witnesses

Ms Gill Sherratt, Director, Licensing Matters, **Mr James Lowman**, Chief Executive, Association of Convenience Stores, and **Mr Miles Beale**, Chief Executive, Wine and Spirit Trade Association

Q63 The Chairman: I welcome very warmly our next group of panellists. We made our declarations of interest at the start, but I just want to give my thanks for previous hospitality. I also thank the Association of Convenience Stores for the written evidence that we received. You will be familiar with the fact that the session is open to the public and you will know about the transcripts. I remind you, in addition to what I said earlier, that if there is anything you wish to clarify or amplify in the points you have made, we would be happy to hear any additional points you wish to make or to take any supplementary evidence you wish to provide afterwards. I shall open this session and ask at the outset, just for our interest, are there any supermarkets that are members of your associations? Are any of the members of the Wine and Spirit Trade Association supermarkets?

Miles Beale: Thank you. Yes, the WSTA has almost all major supermarkets in its membership and a number of other retailers, including specialist retailers. I hope, by the way, that you will have received some written evidence from the WSTA as well, to which I will refer.

The Chairman: There are four objectives, currently, under the legislation, requiring licensing authorities to promote these objectives. Can I ask, how has the Act affected the businesses you represent, as well as any substantial changes to the Act, through guidance and amendments that have followed? What impact and effect have these had on your licensing and planning policies, and on the licences granted to the branches of your stores?

James Lowman: I am very happy to open on that and I am sure that Miles and Gill will say something as well. What has been interesting to note about the Licensing Act and the experience we have had of it is that it has come at a time of quite significant changes in society and in people's habits in buying and consuming alcohol. In the time since the Licensing Act came in we have seen less drinking overall, particularly among certain groups. People are more likely to eat out of their home and to drink in their home—there has been that change-around. Perhaps we used to always eat at home and always drink in a pub; that has changed in both those respects, before and certainly over the past 10 to 12 years as well.

Within our own sector, there has been a change from specialist off-licences—which still exist but in fewer numbers than there were in 2003 or 2005—and now the off trade is made up of supermarkets and, in our case particularly, of convenience stores which sell a broader range of products including food and other things and have alcohol as part of their mix. About 12% to 15% of sales in convenience stores are alcohol. What has been positive, looking back on

the first 10 to 12 years of operation of the Licensing Act, has been that it has allowed businesses to respond to those changes. As such, I regard it as a successful piece of legislation. We think it could be improved; it could have a greater focus on duty fraud and on weeding out irresponsible businesses, including retailers who deal in duty fraud products; there are administrative improvements that could be made, not least the requirement for retailers still to advertise in local newspapers when they wish to apply for a change of licence, at a significant cost; and there could be a more level playing field, particularly in relation to petrol forecourts wanting to sell alcohol. So we do not think it is perfect, but we think it has stood the test of time so far and has allowed some of those changes to be reflected in the market.

Gill Sherratt: Licensing Matters represents independent retailers in the off sector and I have to say I agree that the licensing legislation works, it is definitely fit for purpose and has everything it needs. It is a useable tool for the authorities, it is targeted and enables them to respond correctly to a particular problem. The minor variation process has helped that a lot, because in terms of mediation, mentioned before, it becomes part of a mediation process to avoid reviews and expensive committee hearings. On the other hand, the operators have the ability to obtain licences, so it gives them flexibilities for their business.

Off-licences struggled in the beginning. The big mistake that was made was not making it compulsory for them to be trained under grandfather rights; unfortunately they were just gifted their licences under a brand-new piece of legislation and they have gone along not knowing anything about it, carrying on as normal. At the same time, the authorities have been given massive powers to regulate. For me, the big problem now—things have improved a lot, with the independents learning as they have gone along—is often overregulation and the authorities' inability to see this legislation as permissive and to grant licences. Because they do have the power of review if things go wrong. They overregulate a lot of the time. We have recently had a licence revoked based on very minor condition breaches—literally the signing of a form. That is my issue, but as a whole, it works.

Miles Beale: The only thing I would add is a touch more in the realm of context. The Act was introduced in 2003. It is probably pretty unusual for people to say that, overall, this is a very good bit of legislation—

Lord Smith of Hindhead: It was commenced in 2005, although the Act was of 2003.

Miles Beale: I agree. The context I am referring to is that since that time there has been improvement across the board with a lot of the issues that I think all those interested in this Act would wish to see. For example, consumption is down by a fifth, alcohol-related harm is down by a third, the number of licences is broadly flat—up about 3% in a decade—but the volume sold by each premises with a licence is down. The other thing is that it has provided a very effective framework for collaboration. So some of the things that the industry has been able to do have flourished under the framework of the Act. Community alcohol partnerships, Challenge 25, and the Proof Of Age Standards Scheme are three good examples related to the off trade. Finally, I would just say that there have, however, been multiple changes to this Act every year since it was introduced in 2005, with only two exceptions, and there is probably more risk to undermining an effective framework by changing it further. There is a great deal to be said for leaving it alone.

The Chairman: I have one supplementary question. Obviously, each supermarket outlet has to apply for a separate licence. Do you see any conflict or incoherence between planning decisions and licensing decisions by the local authority? Has that impacted on your business at all?

Gill Sherratt: Not at all. We put applications in and you cannot take the planning into account; it is a separate regime. That is as far as it goes.

Q64 Baroness Grender: There are four objectives in the legislation as it is currently written. As you all know, in Scotland there is an additional objective, which is protecting and improving public health. We have had quite a lot of witnesses who said that the Act should be extended to include that and there are also some calls to include some kind of equality objective within the Act. Do you think there is any merit in adding to the four objectives on those two particular issues?

James Lowman: It is worth noting that in Scotland there is no evidence yet of any impact on levels of drinking and alcohol harm as a result of that. We have a business reason and a practical reason for having particular concerns about a public health licensing objective. The practical reason is, how do you link evidence of alcohol harm to a specific premises? One key thing about the Licensing Act is that it is about regulating individual premises on their merits. On a national level, alcohol harms often take years to present themselves: someone has consumed too much alcohol in Manchester; they move to London; how does that relate to licensed premises in London? How do you draw that link across? It is very hard to do. Furthermore, even within one area, how do you tie or align health harms to specific premises? It is very hard to do that. People will drink in a number of ways and, in fact, problem drinkers will find a way to get alcohol—no one is suggesting prohibition. They will find a way to get alcohol and I do not think the Licensing Act is the right way to tackle those problems.

When we talk to members in Scotland they tell us that there is also a business reason. I give the example of an entrepreneurial retailer, a member of ours who has about eight stores, who has grown that number of stores and is a fantastically responsible retailer with high standards. When he looks at where to open new stores—and in doing so he creates jobs, makes investments and supports local communities—he avoids areas that have policies around overprovision of premises, because he knows that it will be harder to get a licence, and that even if he gets a licence it will be more expensive for him to get that shop, because the offer he makes will be conditional on getting a licence, therefore it will put the cost up. We have clearly seen how it actively disincentivises investment by businesses, and that would really concern us. Then there is a general concern about wanting to focus on promoting good standards in retailing, rather than in any way trying to limit numbers, or things like that.

Gill Sherratt: The burden on the licensing process would be massive. Public health is obviously a consultee, but if it was a licensing objective the first thing we would ask for would be their evidence. As soon as they said, “We don’t want you to open at 6 am”, we would ask, “Where’s your evidence?” It is impossible to link that evidence to a particular premises, and I do not think that the Licensing Act is the correct way to tackle the issue.

Miles Beale: The only thing I would add is that I wholeheartedly agree with the points made about evidence by both other panellists.

There was a question about whether this Act is the right vehicle for doing something about public health. The Scotland case is interesting. It is still true that, if you take a sweep of the last five years where we have figures, consumption remains 18% higher per person in Scotland than in England and Wales. Public health follows the same pattern as consumption, so the changes are mirrored but the gap remains. They have, over provision, a number of additional elements. Health is a licensing objective and it does not seem to have had any effect so far.

Q65 Baroness Henig: I preface my question by acknowledging that the evidence certainly shows that the volumes of drinking, especially among the young, have gone down substantially in recent years. None the less, I want to ask a question about preloading, because that is quite an issue. It is alleged that a major cause of excessive drinking among some young people is preloading alcohol bought from off-licences before going to the pub. Does your experience support the view that that is an issue? Do you see different patterns in sales at the weekend, and if it is a problem, what could be done to prevent preloading?

Miles Beale: Preloading is not well understood. I would not wish to suggest that there is no preloading issue at all, but the only evidence available to us suggests, for a start, that it is a phenomenon that you can observe only in the on trade. Secondly, our figures tell us that one in five—21%, to be exact—will consume before going out. Of that 21%, just under 80% drink most of what they are going to consume—so the majority of what they consume that night in the on trade. Overall, that looks to me like a 4% issue with preloading, and I do not think there is an enormous issue. The publicity around it is different and suggests that there is more of a problem than there is. I hasten to repeat that that does not mean that there is no problem; I just do not think that it is as great a problem as some people might suggest.

The Chairman: Just before we move on, could you give us the source of the figures that you quote?

Miles Beale: Yes. They are both referred to in our written evidence. One is from work by Professor Mark Bellis in 2008, and another by a suite of five or six authors in 2009. They are both annotated in the evidence.

James Lowman: The evidence that Miles has just cited is very important. On the question about sales trends at weekends and so on, there will obviously be an uptick in sales in the evenings in convenience stores, but it is driven much more by weather and by events. The reality is that the market for alcohol in convenience stores is not as glamorous or exciting as you might think. People buy it and drink it in front of the telly, or when they are having dinner with friends or with their family. That is the core market for convenience store alcohol sales. Miles is absolutely right that some people drink alcohol from the off trade and then go out. They always have done; it is not a new phenomenon. But as Miles says, only in a minority of cases is that happening and a lot of alcohol is consumed before going out.

Baroness Henig: So there is a problem, but it is not as big as is suggested.

James Lowman: It happens, but whether it is a problem is a judgment. Clearly, it has always happened. It is not a new thing.

The Chairman: Ms Sherratt, do you have anything to add.

Gill Sherratt: Just an observation, really. Preloading has only become an issue because of the change in the hours in the Licensing Act, and youngsters these days go out at 12 and 1 o'clock, as opposed to 7 and 8 o'clock when you had to get your night in before 2 am previously. We just did our preloading in the pub itself. It is not different, really. I do not think it is just the change in society that has created this thing called preloading. It has always happened.

Lord Smith of Hindhead: Do you think that preloading has happened more recently? We think that it has, because people can buy large quantities of very cheap alcohol in supermarkets.

Gill Sherratt: No. I have to say that at university I used to have a can or two before I went to the pub. It has always happened. It is nothing new. It is just whether you do it at home or go into the pub at 7 or 8 o'clock.

Lord Smith of Hindhead: Yes, but more alcohol is sold now off trade than on trade, so the people you represent are now the major players in the alcohol business. Most of the problems with antisocial behaviour caused by drinking too much alcohol happen in the evening, so you can imagine that those in the on trade tend to think that they are the ones who are left with the difficulties and have the most restrictions under the Licensing Act. Yet some of the difficulties are caused in the off trade, which is selling in the day time and does not have the same restrictions that the on trade has. That is simply an observation of the industry.

Gill Sherratt: It is whether you see the difficulty being caused by the off trade or by the individuals who conduct themselves in that way. I do not know that it can be laid at the door of the off trade.

Q66 Lord Smith of Hindhead: The availability of cheap super-strength alcohol is said to be one of the main causes of street drinking, which harms local communities and damages businesses near the point of sale, including off-licence stores. Can this be tackled by voluntary agreement with local authorities, or do licensing authorities have a part to play by imposing conditions on the strength of the alcohol that can be sold? If I am out and about, I tend to see high-strength alcohol drinks far more in convenience stores than perhaps in supermarkets, where you do not get the large, very high-volume two-litre cider bottles, which we are all aware can be consumed very quickly and can obviously cause dramatic effects. What are your thoughts on that point?

Gill Sherratt: I have thoughts on this, having been involved in it for quite a while, because the issue of restrictions on ABV comes up again and again with applications. I will start by saying again that this is down to individual responsibility, and in my opinion the Licensing Act is not the correct vehicle for handling it; it is down to the choices that that person makes, and if you restrict the high-strength beer and cider they will just move to the cheap vodka to get their alcohol.

On the point about the schemes, as you have quite rightly mentioned there are two ways in which the ABV issue comes up: the voluntary schemes and conditioning. The voluntary schemes are a toothless tiger. They are done very differently across the country. Some are more robust than others, but the vast majority of them—and I have been heavily involved in a lot of them—are not targeted, and they are certainly not effective because they do not involve everybody. To be effective, they have to involve every shop and supermarket in the area. I have often been asked to become involved on behalf of our clients, and have scrutinised them. We were asked to look at a shop that was three miles away from the actual issue of street drinkers. They had never seen a street drinker in their time there. There was the question of whether we would restrict all these products, but the scheme was not appropriate or targeted, and a lot of these schemes are run in that way.

We do get asked about conditions, mostly in the cities, but again there is no consistency to the requests. They are often not targeted and are very ad hoc. We were asked about a condition this week; I will not tell you where it was, but it tells you something about what in my view is overregulation. It stated, “No beers, lagers or ciders over 6.5% ABV should be sold by retail, in plastic or in metal containers, excluding premium products as agreed in writing in advance by Police Licensing”. They are saying that the police will be able to dictate what products the store can sell, which in my view is overstepping the mark a little.

Lord Smith of Hindhead: Have there been difficulties in the area of that store, or have there been problems caused by drunkenness?

Gill Sherratt: In order to establish that, we have been told that unless we accept that condition they will object to the application. In order to make the inquiries into whether that condition is merited or not, we will have to meet them to go through the evidence and, even if we put up some resistance, they will still object. We will have to accept the condition. The neighbour down the way might well not have it, so there is nothing streamlined and nothing consistent. There is a problem with these conditions across the board, be they by conditioning or the local schemes. At the end of the day, the problem is the street drinker and that problem should be targeted through health and other agencies. I do not think that the Licensing Act is right for that.

Lord Smith of Hindhead: Do you agree with that, Mr Lowman?

James Lowman: Largely, yes. One of the most publicised schemes is in Ipswich. Some of my members are very involved in it and I certainly see some merit in what was done there. But what struck me is that only a very small number of individuals—56, I think—were being targeted by the scheme. These were the street drinkers. There was not just product removal but outreach and support for those drinkers. It seems to me that that should be the starting point. The question is how we help those people who have a range of issues, many of which relate to alcohol. As Gill has explained, relating this to specific products is much more complex than it first looks. We might associate certain products with this, but they are not solely drunk by street drinkers; there would not be a market for them if they were just drunk by street drinkers. Which products do you target? I have also heard some local authorities talk about problems with certain retailers. In a scheme in Portsmouth, the licensing officers told us that they had identified some premises that they were trying to involve in the scheme and found that some of the products that were being drunk by street drinkers there were not legally available in the UK market—that is, those retailers had illegally imported them or had got them through an illegal supply chain.

Lord Smith of Hindhead: But did they lose their licences?

James Lowman: No, they did not en masse. We think that a huge part of the issue is about retailers engaging in duty fraud.

Lord Smith of Hindhead: So these retailers were selling unlawful alcohol and they did not lose their licence.

James Lowman: They did not lose their licence but they should have. One of the weaknesses of the Licensing Act is that it is not used enough to take away licences from those engaged in duty fraud. When licences are taken away, too often the licensee comes back in another guise, through someone else being on the licence or in a different premises. That area of the Licensing Act is vastly underused. A lot of the problems that we are talking about would be addressed by far better use of the existing powers.

Miles Beale: We very much agree with that. The WSTA and the ACS have done quite a lot of work together on street drinking generally and I agree with everything that James has said. There are a couple of other things. First—and this is another one of those headlines that looks more difficult when you try to address it—what exactly is super-strength? There is a definition for beers and ciders, but that strength looks very different in relation to other products. Secondly, and probably more interestingly, to what extent is drinking in the street cultural rather than a symptom of someone who is a problematic drinker? We have done some work with a charity that suggests that it is hard sometimes to tell, particularly for a local authority that might not have the time to do it. James's point is exactly right: it is normally a very small number of individuals. The conclusion that we have come to is that you need to target the individuals. It is as much about education as it is anything else. The only

other thing to refer to here is that the Act makes provision to tackle some of these issues in different ways. I may mention a few others later, but there are a couple of underused provisions in the Act that I think are also relevant, so I would not be looking at adding to it; I would be looking at using the full suite of provisions under the Act.

The Chairman: Interestingly, we heard from the Home Office when the official gave evidence that there is generally a good response to consultations. Are you consulted when there are changes to the Licensing Act provisions? As a rule, do you respond to those consultations? Do you believe that your responses are heard?

Miles Beale: Yes, yes and yes. The Home Office has been assiduous in consulting closely with the industry. That is why it works. It is also why people such as James and I are able to persuade our members actively to be involved in schemes such as community alcohol partnerships and some of the others that I have mentioned. It would not work unless it were that way.

James Lowman: Again, three yeses. The consultation with licensing professionals and local authorities—not just industry—is extremely important in making the Act workable.

Gill Sherratt: Yes, the same again.

Lord Mancroft: You have said that the powers are not being used. Who is not using them and why are they not using them?

James Lowman: On duty fraud specifically, the situation at the moment is often that information is fed in through HMRC, which wants to move the information up the supply chain to try to make big hauls at ports. I understand that; it is a perfectly reasonable policy. Information is therefore not shared with local licensing authorities and sometimes local licensing authorities are reluctant to investigate.

Lord Foster of Bath: Can I just follow on from the super-strength issue to a similar area? As everyone else has done, I acknowledge that the overall statistics are really good news. However, as Jon Foster, one of our witnesses back in July, told us, “cheap alcohol, as low as 13p or 15p per unit, causes significant problems”. First, do you agree that that is true, just like the super-strength issue? Secondly, what solutions should we be looking at? Is it again, as you said, about targeting individuals? Is it education? Is it using the full suite of provisions that are already available? Is it minimum unit pricing or is it something like the IFS’s tax proposals? I know that you could speak for hours on this, but we do not have a lot of time, so you might want to give a brief answer now and amplify it in writing to us later.

Miles Beale: I will go first and try to be brief. First, it is good to look at what works. Consumption is falling fastest among the young, which definitely has an enormous amount to do with education—schemes such as community alcohol partnerships involve schools. Secondly—and I find this a fascinating debate—there is a floor price already, after 2012, which is imposed on the industry, although it had already agreed to it. Duty plus VAT is a minimum. So some of the prices that you referred to are not legal and should not be happening. We certainly oppose minimum unit pricing as an idea more generally, because we think that it would be very unfair on the poorest, in particular. We certainly do not see that it would work, given that there is no evidence that it would. It has not been tried anywhere in the world. There are things that people refer to, but they are not minimum unit pricing. It is also quite hard to see whether it is legal. The ECJ’s judgment is that the tax system is the best way in which to do this. The UK has one of the most highly taxed regimes in the world—40% of all duty paid on alcohol in the EU, all 28 countries, is paid here by UK consumers. Lastly, minimum unit pricing would be bad news for the Exchequer and bad

news for consumers, because one would lose income and the other would have to pay more. We think that it is a bad policy that would not work.

James Lowman: I do not have a huge amount to add to that. The point that I would make about duty regimes is that it is very important that everyone selling alcohol is applying the duty regime. That goes back to enforcement against duty fraud.

Gill Sherratt: I do not have anything to add.

Q67 Lord Mancroft: Can I ask you to think for a moment about home deliveries, where sales are increasing? What effect is this having on your businesses? Are the controls on home deliveries sufficiently rigorous? How do those of your members whose businesses include home deliveries comply with the requirements of the Act on the sale of alcohol to children in particular?

Gill Sherratt: A very brief response is that we do not have an awful lot to feed back to you on deliveries. We do a lot of applications for deliveries, which are sometimes linked to takeaways, late-night deliveries and independent operators. All that I can say is that we deal with an awful lot of reviews, but we have never had anything negative come back—I have never heard anything negative among all the communications that we get about delivery services. That is all that I can really tell you from our experience.

Miles Beale: The only thing I would add from a supermarket point of view is that the supermarkets are in an extremely good place to deliver Challenge 25 policies—for example, for home deliveries. They are in a very good place to ensure that it is delivered securely, which I know has been one of the concerns. Lord Mancroft, you also asked which other provisions are not used. On selling to people who are already drunk, and on prosecuting those who have provided alcohol to people who are already drunk, the numbers are in single digits and have been for five years. The second of those has been zero or one for every year of the last five years we have figures for.

Gill Sherratt: Just as a constructive suggestion on deliveries, I do not know if the pool of conditions in the statement of licensing policies covers deliveries, but certainly, when we put an application in and it is something they want to do, we make sure that they are properly conditioned, in terms of training drivers in Challenge 25 and things like that. If there is concern about that, maybe that can be looked at.

Lord Smith of Hindhead: Mr Beale, is that statistic you gave on the number of convictions in your written evidence?

Miles Beale: Yes, it is. There are a number of others as well, but those are the top two.

Lord Foster of Bath: I did some research into this which confirmed that figure, but can you just confirm that the reason the figures are so low is that it is very difficult to bring about a prosecution—the police find it difficult to be able to say whether a person was drunk before or after they have purchased that drink?

Miles Beale: I am happy to write to you about it. I cannot confirm anything. Those are the figures. It seems to me very unlikely that they should be so low; I do not understand why they would be.

Q68 Lord Davies of Stamford: The pubs in this country have had a legal obligation to make sure they do not sell alcohol to people who are below 18 for ever, almost, and they use their statutory framework. The same statutory framework apparently does not apply to off-licences and supermarkets, but there is a voluntary scheme in place, Challenge 25, which is supposed to replicate the same effect for supermarkets. Is there an anomaly here? Should the statutory obligations be the same for anybody who is selling alcohol, on or off licence? Is the present system working or not?

James Lowman: To be clear, the law is exactly the same. You cannot sell alcohol to someone under 18 whether you are on or off licence. Where there are some wrinkles is around an on-licence premises serving to people including adults and with a meal, which we have not got a comment on—that is an on-trade issue. For the off trade, you cannot sell alcohol to anyone under 18; that is an absolute offence. The Challenge 25 process is a really important part of that, because if you are put in the position of working behind a counter, or behind the bar in a pub, how do you know whether someone is 18? They do not have their date of birth tattooed on their forehead; you have to make a judgment. The Challenge 25 scheme is about giving yourself as much leeway as you can in making that judgment. If you look under 25, expect to be asked for proof of age. If that proof of age shows that you are over 18 then you are entitled to buy that product. Challenge 25 is a way off enforcing that very clear law that you cannot sell alcohol to someone who is under 18.

Lord Davies of Stamford: Why is a different procedure used in off-licences and supermarkets from that in pubs?

James Lowman: I do not think it is.

Gill Sherratt: It isn't.

Lord Davies of Stamford: Well, Challenge 25 does not extend to pubs.

Miles Beale: It is additional. The industry has taken it upon itself to make sure that it goes over and above the requirements of the law; that is what Challenge 25 is all about. What is quite interesting is that Challenge 25 was put together by the Retail of Alcohol Standards Group, which WSTA helped to set up. What we are now finding is that the on trade is considering upgrading its Challenge 21 scheme to a Challenge 25 one, partly because Challenge 25 was seen as best in class.

Lord Davies of Stamford: Is there an argument for raising the age for buying alcohol in both contexts, on and off licence, to 21?

Miles Beale: No, I cannot see one.

James Lowman: The consensus is that 18 is the right age.

The Chairman: You mentioned the difference between off-licences and on-licences. So that the Committee can be clear, is there an argument for raising the age at which alcohol can be purchased in off-licences to 21?

Miles Beale: No.

James Lowman: No, I do not see it at all.

Lord Davies of Stamford: It would be bizarre if there was a different age at different locations.

Miles Beale: It would.

Lord Smith of Hindhead: I would have been astounded if any of you had said yes.

Miles Beale: The place I would start from is, what problem would you be trying to solve? It is not clear to me that there is an issue. There is no evidence—there is no problem that has been referred to us or that any of us has seen.

Q69 Baroness Henig: Let me switch the focus to licensing decisions. The Act assumes that the power of the licensing committee is a power delegated on behalf of the people as a whole to reach holistic and balanced decisions, weighing everybody's interests, including those of local retailers and those who use the shops. In your experience, is that how members of local authorities see their role? In your experience, do they make decisions with the ability to put party and other political considerations to one side? Are you happy with the way that licensing committees operate?

Gill Sherratt: I think this is coming to me to answer. I go into licence hearings weekly and I can report that, on the whole, we get a fair and balanced decision, but I often have to work very hard for it, mainly for training reasons, I suggest. Training of committee members is a big issue. I spoke to a councillor who told me that, in total, she had had three hours training on licensing and then she was sitting on a committee. I can tell you the different experiences that you get. I go into a hearing as a professional and someone who is used to dealing with them, I get a decision and—this actually happened—the next hearing on had pretty much the same circumstances. He was unrepresented and had not as bad a case as mine; I got conditions applied, he had his licence revoked. That does not seem very fair and it is just an example. Training is the main issue, and sometimes the committees struggle to put the business in a good position. They should look at it as being someone's livelihood, but they often do not. They often weigh in favour of the residents a lot and do not consider that these people are running a business. I often say to my clients before we go in that they have to be prepared for the fact that asking for a licence is almost seen as a negative thing. In my view, they could support businesses a little more. In terms of the decisions, I think it comes down to training.

Baroness Henig: When you say that you have to work very hard, can you give me some idea of what working hard means?

Gill Sherratt: I can tell you specifically. Often they will raise a lot of irrelevant issues. Yesterday, for example, I was in a hearing and the subject of letting bedrooms upstairs came up. It was not relevant in any way to what we were discussing, to the licensed area. They can bring up parking, or whether somebody lives close to a premises. They can ask, "Why do you want this premises when you live 10 miles down the road?" These are things you have just got to carefully manage that can be irrelevant. It comes down to training.

Miles Beale: If I might just add one thing, some of our bigger businesses would say, there is a national scheme and while there should certainly be local discussions every time, you would not want the balance to tip too far, which on occasion I think it probably has, towards local specification—i.e. you have to go through every single element of the requirement to achieve your licence every single time you apply. There is a scheme, it is broadly understood and it should be nationally comparable, so you need to get that balance right.

Baroness Henig: Sure, but at the same time there will be local circumstances, local people with voices, so there will be variations to some degree.

Gill Sherratt: Of course.

Miles Beale: Absolutely; hence my reference to balance. I am not saying you should not do it like that—in fact, I think you should—it is just that one ought to be careful that it does not tip too far. We have certainly had occasions when that is true.

Gill Sherratt: Just on that point, the residents' views are very important, there is no doubt about that, but I would just like to mention that one word, "evidence". The training, more than anything, needs to focus on a committee's ability to view the evidence correctly.

James Lowman: I would back up everything that has been said, but from the perspective that these applicants are often our members, they are often individual businesses which are proposing to invest, to create jobs, improve an area and invest in a community. Applications should be seen in that context. That is not to say that residents' concerns or other issues should not be considered—of course they should—but it is worth remembering that these are people who are applying to conduct business in a responsible way and make a very positive impact on the local community.

The Chairman: This might not apply directly to your members, but the Licensing Act does not apply to sales at international airports, seaports and other modes of transport. Do you have a view that it should apply? As part of this scrutiny, should that be reviewed?

Miles Beale: On balance, no. An airport is not based in a community in quite the same way that any other licensee might be. I would also go back to the question, what is the evidence that it needs to be different from the status quo?

The Chairman: Air rage, people being tanked up before they get on a plane?

Miles Beale: I was going to say that there is something about the consumption of alcohol by individuals in airports: I do not think that is the same thing and I do not see how the Licensing Act can realistically deal with that. It is not different from elsewhere, where it is as much about education. Interestingly, one of the drinks trade associations has been involved with a number of partners—I will not try to list them now, because I cannot remember them all, but they include airport authorities—on a code of conduct for dealing with passengers who have consumed too much alcohol or have misused it. That is a very good example of an industry reaction that has come well before any reaction from anywhere else.

The Chairman: On behalf of the Committee, I thank you very much for participating in this inquiry and for the evidence you have given today, as well as the written evidence. We are very grateful to you. In releasing you, I will ask the Committee to stay for three minutes to consider our future programme.