



Select Committee on the Licensing Act 2003

Oral evidence: The Licensing Act 2003

Tuesday 13 December 2016

10.40 am

Watch the meeting

Members present: Baroness McIntosh of Pickering (Chairman); Lord Blair of Boughton; Lord Brooke of Alverthorpe; Lord Davies of Stamford; Baroness Eaton; Lord Foster of Bath; Baroness Goudie; Baroness Grender; Baroness Henig; Lord Smith of Hindhead; Baroness Watkins of Tavistock.

Evidence Session No. 20

Heard in Public

Questions 208 - 227

Witnesses

[I](#): Sarah Newton MP, Parliamentary Under-Secretary of State for Vulnerability, Safeguarding and Countering Extremism, Home Office, and Nicola Blackwood MP, Parliamentary Under-Secretary of State for Public Health and Innovation, Department of Health.

Examination of witnesses

Sarah Newton MP and Nicola Blackwood MP.

Q208 The Chairman: Good morning, my Lords, ladies and gentlemen. I bid our witnesses, the two Ministers, a very warm welcome. Thank you for giving evidence to us on behalf of the Government this morning. We understand that Gavin Barwell, the Minister responsible for planning at the Department for Communities and Local Government, cannot be present this morning, but we have been told that you are fully briefed on planning issues.

A list of Members' interests relevant to the inquiry has been sent to you, and copies are available this morning. This session is open to the public, is being broadcast live and will subsequently be accessible via the parliamentary website. A verbatim transcript of the evidence will be taken and placed 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 us of any corrections as quickly as possible. If after this evidence session you wish to clarify or amplify any points made during the session or there are any additional points that you wish to make, you are welcome to submit supplementary evidence to us. If there are any questions on planning issues that have not been fully answered, it may be helpful if Mr Barwell could write to us. We would hope to receive any such further evidence before the Christmas recess.

Could I open the proceedings with a couple of general questions? I will address you first, Minister Newton. In your general view, how effectively has the Licensing Act 2003 operated over the last 11 years?

Sarah Newton MP: First, can I say how much we welcome the Committee's inquiry? As you rightly say, colleagues cannot be with us this morning, so we will be very happy to follow up in writing any detailed questions that we are unable to answer. We will absolutely aim to meet your deadline of before the Christmas recess, although that gives us just a few days.

Overall, as long as the measures in the Act are properly utilised and used by licensing bodies, it has worked pretty well. It is from some time ago—2003—so there have been significant changes in people's behaviour and the development of the off-trade. I know that you will be taking, and have already taken, evidence from a group of stakeholders who undoubtedly want to see improvements to aspects of the implementation of the existing Act and have come up with recommendations or suggestions for how it could be improved, but overall it has worked pretty well.

Nicola Blackwood MP: I do not know whether it has already been referred to in evidence that you have received, but there was a recently published Public Health England review of the issue. It sets out quite a complex picture of the public health burden of alcohol. Some indicators—for example, on hospital admissions relating to alcohol—show an increased level of harm, but in other areas there are some positive

trends. We are seeing a reduction in alcohol consumption among under-18s. It is important that we look at the picture in the round and respond to the evidence in a nuanced way. It is also important when we look at that evidence to note that it is quite difficult to attribute health harms directly to the Licensing Act and, therefore, to look at how we can amend the Act to address the evidence that came forward in the review. As I am sure you have heard in evidence before, behavioural changes such as affordability also play a role.

Local authorities are well placed to address the local issues associated with alcohol consumption. There have been some really good examples where public health teams have used the Licensing Act, as well as the other powers that they have, to address local concern. For example, in Liverpool, they worked in partnership with the police and ran a very successful local campaign to reduce the sale of alcohol to people who were drunk. My officials will provide some more examples of good practice. It will be helpful if those can be shared in your report, so that we can spread that good practice and make sure that we see some benefits across the country.

Q209 The Chairman: I am sure that we will be able to explore those issues this morning. My next question is more specifically to you, Minister Newton. How flexible do you believe the Act, the guidelines and all the amendments to the Act have proved in changing behaviour and circumstances since the Act came into effect? I link that to the concern that has been expressed by a number of witnesses in both written and oral evidence about the resources that have been made available to local authorities, especially to the police, who are primarily responsible for duties under the Act?

Sarah Newton MP: As you quite rightly point out and, I am sure, evidence has shown, it is a dynamic situation. We must be evidence-based policymakers. Although the four principles of the original Act are as relevant today as they were back in 2003, in order to give people on the front line—whether law enforcement officers, councillors or licensing bodies making decisions—the tools that they need, amendments have been brought in, based on evidence from front-line people and others as to what extra tools and powers they need. It has shown itself to be flexible. Members of the House of Lords are now considering amendments to various pieces of legislation that aim to provide additional tools and responses to enable communities to balance the desire for sensible drinking and realising the economic benefits of alcohol with protecting the public from the harms, whether they are public health harms or harms related to crime.

It is well worth noting that the number of violent crimes associated with alcohol has been falling. When the public are asked about their own experiences, we find that their experiences of rowdy or anti-social behaviour associated with alcohol have also been declining. The evidence suggests that people in communities, from councillors to licensing authorities to the police, have the tools that they need. If they use them

well and if we see the good partnership working that my colleague has mentioned, they are effective.

The Chairman: You are saying that the Home Office has no concerns about the level of resources available to local authorities to enforce and apply the Act, given the crisis we have in the care system and the underfunding there. We have to accept that there have been reductions in policing budgets as well. You wish to say that you have no concerns at the Home Office about the resources available to enforce the Act.

Sarah Newton MP: I have been given no evidence to suggest that there are issues along those lines. I absolutely accept what you are saying: local authorities have had reductions in their funding, as part of the deficit reduction plans, and police budgets are now frozen. However, by innovative partnership working—by using data better, for example—they are able to pool resources and use their resources more smartly to tackle issues. If you look at the evidence from the partnership working that is going on, you will see quite substantial abilities to reduce harm in local communities, both from a health point of view and from a crime point of view.

The Chairman: We will explore those issues further.

Q210 **Baroness Eaton:** Planning and licensing are separate regimes. We have heard a lot of criticism from people who have given evidence about that. The licensing system is supposed to be about the regulation of licensable activities. The planning system is supposed to be about controlling the use of land. Case law indicates that licensing and planning decisions should be considered separately. Are they separate in practice? Where both types of authorisation are required, is it preferable to grant one type before the other?

Sarah Newton MP: You raise a very important point, which is about the relationship between the planning system and the licensing system. From what I have seen, the best examples are where local authorities make those decisions separately—because councillors need to be trained to take into consideration the legislation that pertains to those separate decisions—but do so in a co-ordinated and joined-up way, so that the people making the planning decisions take very much into consideration the concerns and issues raised by the people on the licensing committee, and vice versa, and there is good, joined-up co-ordination. In some parts of the country, they have joint planning and licensing decisions. In others, they have a very co-ordinated approach. The National Planning Policy Framework is clear about the need for those two parts of a local authority to work well together.

Baroness Eaton: What incentives are there to make them work together? Planners are not supposed to take into account things such as proliferation. That is not supposed to be part of their ability to decide matters. When you put the two things together, is it not a rather complex and difficult thing to deal with?

Sarah Newton MP: I know that a number of members of the Committee, including yourself, spent a long time in local government. You will understand that planning is a complicated area, by necessity. It needs to weigh up many different factors, not least environmental factors such as the impact of flooding—let alone impacts on the health and well-being of a local community. The system is set up to ensure that people making planning decisions do so in a way that is based on evidence and information gathered from a range of statutory consultees—the community as a whole—to enable them to come to the best decisions. Inevitably, there will be some conflicting priorities. That is why it is so rooted in local democracy and accountability through local authorities.

You asked me about incentives. What better incentive will the councillors have than to make sure that they are making decisions that are in the best interests of the communities they serve? They have to balance a complex range of issues when taking those decisions, but the structures are in place to enable them to do that.

Baroness Eaton: You get silly situations where you get a licence until midnight and planning permission only until 11 pm. Those kinds of arrangements are highly problematic.

Sarah Newton MP: I totally agree with you that some poor decisions are taken when the left hand and the right hand of the council do not seem to know what the other is doing and there is not a good dialogue. Our response would be to work very carefully, as we do, with the Local Government Association and other national bodies, such as those responsible for licensing, to make sure that councillors are properly trained—both those making planning decisions and those making licensing decisions—so that they are up to date with not only the latest legislation but the best practice that is available. We spend a lot of time in the Home Office and across government making sure that we are updating guidance based on the best available evidence, so that councillors can make good decisions.

Baroness Eaton: You mentioned the Local Government Association, which produced its report *Rewiring Licensing* a number of years ago. Is the Home Office aware of that? Is it using it in its deliberations?

Sarah Newton MP: Yes. I often meet a whole range of stakeholders, as you would imagine. Officials in the Home Office work across the different partners and stakeholders, as we need to do, to make sure that we are always providing and updating good tools for people to use. In the crime prevention strategy launched in March, the whole approach in the Home Office is about partnership working, from industry to the various statutory bodies to law enforcement, to make sure that we provide people on the front line with the tools they need to do the job as well as they possibly can.

Lord Blair of Boughton: I have a very short supplementary. Section 182 guidance on this matter specifically says that the two regimes should be kept watertight and separate. Are the Government going to reconsider

that?

Sarah Newton MP: No. If that was the impression I gave, I am very grateful to have the opportunity to clarify this. They need to operate separately. However, they should also relate to each other. As Baroness Eaton said, those decisions need to be made against the criteria by which people are making them, but it does not stop the different parts of the council talking to each other. That is an important separation; they have to make those decisions based on the requirements, but it does not prevent them liaising. In the development of local and neighbourhood plans, there are opportunities within those frameworks to set up aspirations for communities in relation to the balance of types of businesses and housing—the types of community—that they want to see.

Baroness Grender: You said that some parts of the country did this well. Could you direct the Committee to what you think is the best example for us to look at?

Sarah Newton MP: Yes. I would be happy to write, following up from today, with examples of where there is best practice, showing the different ways in which councils have responded to their communities.

Q211 **Baroness Henig:** Can I follow up on some of those points? Many of our witnesses have been critical of the operation of licensing sub-committees, particularly as regards inconsistency from one licensing sub-committee to another. Some have compared them unfavourably with planning committees, where the regime is much more uniform. Would there be any advantage, as one of our witnesses suggested, in making the licensing function an integral part of the planning process, with a single committee of the local authority dealing with both licensing and planning?

Sarah Newton MP: I do not think so. It would require a huge upheaval in the planning system. There would have to be primary legislation and a huge amount of training to enable people to make those decisions. The planning system has undergone considerable changes in the last couple of years; you have the neighbourhood planning legislation before you in the House of Lords at the moment. It is important that the current regime settles down. If there are issues with poor performance and poor decision-making, it is better to tackle them with education and training, to make sure that councillors understand the powers they have and use them well. That would be a much preferable way of doing it. In some areas, the licensing committee is thought to be doing a really good job and the planning committee is not thought to be doing a very good job. It is not a uniform picture at all.

Baroness Henig: So inconsistency clearly exists. As you yourself said, some local authorities appear to be much more effective in this area than others. Does the Home Office have any specific ideas about how to lessen some of that inconsistency and to make sure that all local authorities come up to standard in that area?

Sarah Newton MP: Your colleague Lord Blair mentioned the 182 guidance. There is also guidance across government that pertains to this. As you know, magistrates hear the appeals to licensing decisions. Guidance was recently updated by HM Courts & Tribunals Service. We work across government to make sure that the people making the decisions have all the tools they need for that. It is a process of continuous improvement.

Nicola Blackwood MP: Given the health impacts of alcohol consumption and the increasing role that local authorities are playing in public health, Public Health England has been looking at how it can increase resources to local authorities in the way that they consider that. We have produced guidance tools, including licensing guidance, joint strategic needs assessment packs and the alcohol CLear self-assessment tool. We also produce locally specific data—it has a great acronym, LAPE—that is now widely used by local authority alcohol partnerships to assist in targeting. Research from the University of Bristol demonstrates that local authorities that produce more stringent local policy around alcohol licensing have fewer alcohol-related hospital admissions and less alcohol-related crime, so we see a direct line between producing that guidance, local authorities having better training and using those tools to produce better local policy, and cutting the health impacts of the abuse of alcohol. So we encourage the more effective use of those tools.

The Chairman: Can we revert to what you said, Minister Newton? If the law is not working as it is intended to work, the fact that we would need primary legislation is neither here nor there. We are here as legislators. We have been tasked by this House to see what improvements to the legislation could be made. We have received evidence that it could be done by guidelines and does not necessarily need primary legislation. We are picking up that in any one year there are a great number of licensing cases before a licensing authority. Those who are tasked by the local authority with sitting on the licensing sub-committee are given only one day's training before they are let loose on making those decisions. Do you feel comfortable with that as a background for cases to be heard? They do not have legal advisers, there is rigid adherence to procedure and time limits, there is bias in favour of applicants and the interests of residents are being overlooked. Would it not seem sensible to review that?

Sarah Newton MP: Obviously we keep legislation under review, but I think the legislation is absolutely fine. Of course, there are instances where councillors are not doing a good job. That will always happen, but we have mechanisms in place—not least, the appeals process—where people can get remedies and seek justice. I do not have evidence that there is widespread maladministration in the way you are describing. We will look at the findings of the report very carefully. If there is evidence of systemic, widespread maladministration, that is a separate matter, but I think that the approach we take—making sure that there is guidance and training and working carefully with the Local Government Association—is appropriate.

Councillor training is very much a matter for the councillors and the local authority that they represent. I have been a councillor myself. I certainly would not have allowed myself to be put in the position of being asked to make such important decisions about licensing or planning matters unless I had satisfied myself that I was adequately trained.

Lord Foster of Bath: A few minutes ago, you said that councils that had “more stringent” policies were more successful in dealing with alcohol-related problems in their area. What did you mean by more stringent policies?

Nicola Blackwood MP: As I understand it, they have set specific policy parameters around the way they make decisions, rather than making them on a case-by-case basis. As I said, we will be very happy to send you examples of successful councils that have worked in this area. My DoH officials are assembling that list to send to you.

Lord Foster of Bath: Thank you. I would be very grateful if you could identify the examples that you believe are more stringent, to use your word.

Q212 **Baroness Grender:** It is good that you mentioned the appeals system, because that is the next subject. There has been criticism of the appeals system. As you will be aware, it is not a well-used system in the area of licensing. Magistrates hear the appeals, and there has been some criticism of magistrates doing that, because they do not have the same level of experience; comparing it with the planning system, for example, planning appeals go to specialist inspectors. There is some concern that not many people take up appeals; in some cases, it is because they are deemed to be too expensive, especially for an SME, and in other cases it is because the system is just not fit for use at the moment. Given that, do you think that the planning model would be an interesting one to look at in the context of appeals for licensing?

Sarah Newton MP: You raise an important point about who is most appropriate to hear the appeals. The Planning Inspectorate is a well-regarded system that works pretty well. I have not seen a huge amount of evidence to suggest that the magistrates’ system is not an equally effective route for considering those particular cases.

You raise a couple of points. On the cost threshold for people seeking remedy, it is a relatively inexpensive matter to take an issue to the magistrates’ court in the first place. Although magistrates have to consider a wide range of cases, in my experience, and the evidence will bear this out, they are highly motivated individuals who take their responsibilities very seriously. They have access to good training and often have mentoring arrangements. If a new magistrate is coming on board, they will sit with magistrates experienced in particular areas. Often on a bench, different magistrates take leads in particular areas and become specialists themselves. The magistrate is a really good example of how we can have both the relevant level of expertise and the flexibility

for people to make informed decisions about the best interests of their community, in the context of the law they are making decisions about.

Baroness Grender: One London borough told us that the current appeals system is “unfair to all concerned because the knowledge of the law is not present and some of the arguments are very technical and legally advanced. Magistrates are not trained in licensing and it is unreasonable to expect them to grasp the ... significant volumes of evidence, law and case law”. There was quite a level of dissatisfaction with how the system currently works. Another witness suggested that we should look at the family court as a possible model. That has quite a lot of advanced discussion before you reach the appeals system, so you could resolve issues between residents and licence applicants. The take-up is so small in comparison with planning issues that there is strong evidence taking us in the direction of saying, “Right now, appeals do not work”.

Sarah Newton MP: I will be very interested to read your report and the evidence that is there. From what you have said, the issue seems to be how the system is functioning in a particular area. That is where guidance and training are very appropriate. Although the Courts & Tribunals Service has issued more guidance, it seems from what you are saying that we could look again at the guidance that the Magistrates’ Association gives magistrates themselves, to make sure that magistrates are properly briefed and trained before they make those decisions.

You made an interesting point about conflicts between residents and licensed premises. I know that a number of you have been involved in local government. You will know that this is where councillors play an incredibly important role. Any good councillor will be in a very good position in their community, before things even go to the licensing committee, to sit down with the person seeking the application and the local residents and have a meeting to discuss the issues. Often councillors mediate in that way and get agreement that those seeking the licence will moderate themselves, because they want good community relations. Any business seeking a licence does not want to alienate its customer base and the community. Where there are good, strong, effective councillors, the system works well.

The Chairman: On the last point, there is no mechanism that currently caters for that. Would the Home Office consider introducing such a mechanism?

Sarah Newton MP: If you are talking about a mechanism to enable an applicant to meet residents to try to iron out, for want of a better word, something acceptable to all parties before an application is made, I think that mechanism does exist. It is in the representation of a local community by their councillors.

Q213 **Baroness Goudie:** The Home Office has said that, until March this year, there were only 193 licensing appeals across the whole of England and Wales—a fraction of the number of planning appeals. Would a merger of

licensing and planning have significant cost implications? Would there be savings on administrative costs as well?

Sarah Newton MP: You make a very good point about the logistics and whether there is any evidence that it would either improve the situation or be cost effective. There is no evidence, and we would not be prepared to make a decision without an evidence base. There would need to be primary legislation and huge amounts of new training, and we do not know whether it would improve the situation at all. That is why we are more interested in working tirelessly—I am sure the Committee's findings will contribute to this—to improve the current situation and regime, than in creating a whole new one.

The Chairman: The numbers are so low. In many authorities, there were no appeals whatever. I hope that this is something that the Home Office will keep under review. Have you given any thought to the role of mediation?

Sarah Newton MP: I can absolutely reassure you that we keep every part of our policy under review. We have very proactive stakeholder engagement. If we have evidence that there are problems, of course we will act. One interpretation of the relatively small number of appeals is that there is good decision-making. We should not necessarily think that, because there is not a huge number of appeals, there is not good decision-making. One could argue that the decisions are being well made, so there is no need to have recourse to appeals. I believe that the best way to conduct mediation is within communities—for councillors to be active members of their communities, to hold discussions with the people seeking licences and make sure that the right decisions are made locally. No two communities are the same. That is why I firmly believe that the decisions need to be rooted in local authorities.

The Chairman: We will pursue this a little further later.

Q214 **Baroness Goudie:** In Scotland it will be a requirement, when the amendment to Section 20 of the Licensing (Scotland) Act is brought into force, for applicants for a premises licence to provide a "disabled access and facilities statement" with their licensing application, without which they will not get a licence and will not be able to proceed. Should there be a similar provision in the Licensing Act 2003?

Sarah Newton MP: You raise a very important point about access to licensed premises. As you know, I represent a rural community in Cornwall. Pubs are the hubs of our communities. Sometimes they are the only commercially available facility left in a village. They provide local library services, postal services and a social facility, as well as the traditional services of a licensed premises, so I absolutely understand how important it is.

I understand that when this was debated in the House of Lords the approach taken was to seek a voluntary agreement with the industry. That was felt to be a more sustainable and effective way forward. I have followed it up. I have noticed that new codes have come into effect and

that licensed premises have taken this very much on board as something that they want and need to do. That is the best approach—to get people who are licence holders for pubs and other premises to understand that people with disabilities are an incredibly important part of their community, have a lot of money to spend in the local community, alongside everyone else, and are customers who should be made welcome. As well as the wider social and moral responsibilities that they face, it is in their commercial interests to do so. I would like to give time for the new voluntary agreements to come into place before reaching for a legislative measure.

Baroness Goudie: How much time would you and the Government think to give? There are still a number of premises that do not have disabled facilities. It is not correct in any way.

Sarah Newton MP: There is the Equality Act to think about as well.

Baroness Goudie: I did not want to come on to that. I took it that you would know that.

Sarah Newton MP: Absolutely. The Equality Act gives them very clear responsibilities to make sure that their premises are accessible to everyone in our society and community. They have those obligations, and it is important that the law is enforced.

Baroness Eaton: Most disabled people I know are extremely distressed that, after the length of time that has passed since the Equality Act, they still have this issue. They feel that as we have had the Act for so long and, presumably, there has been little or no enforcement of the requirement to make facilities accessible, why should a code at this stage make any difference? How long will it take before it makes a difference? There is a lot of dissatisfaction about it from people with disabilities. You seem rather confident that the code will work. I would like to pursue a bit more what a reasonable length of time is for something to be embedded to the point where it is totally the norm.

Sarah Newton MP: I completely understand the point of view of people with disabilities who get frustrated that they still cannot access individual premises. I think it is best to get not just licensed premises, but shops on the high street—every aspect of our society—accessible to people with disabilities. It will be more sustainable if the business owners themselves see the economic benefits to their business of doing that. That is not at all to say that laws that currently exist will not be enforced. I will keep this under careful scrutiny. If we are not seeing progress, we will of course look at what more can be done.

Baroness Eaton: There is such a lack of resources for enforcement in all these areas. One of the concerns is that there is nobody doing the enforcing.

Sarah Newton MP: What sort of enforcement do you have in mind?

The Chairman: As an MP, you would not have a surgery in premises that

did not allow disabled access.

Sarah Newton MP: You are absolutely right.

The Chairman: You would make every effort, otherwise you could be prosecuted under the law. Why should the onus, under the current law, be in favour of the premises being given additional time? This goes back to the 1990s. It was a flagship Conservative policy at the time. It was then completely rewritten under the Equality Act 2010. Is it not grossly unfair to leave it to a disabled person to have to rail against the system for not allowing them in? Quite frankly, if I were heavily disabled, I do not know that I would have the confidence to do that. Will the Home Office perhaps not allow further time and get a bit more heavy-handed in this regard? If the rules look good, can we not import into English law the guidelines that have been written for Scotland?

Sarah Newton MP: I absolutely agree that any of us should have facilities or premises that are accessible to people with disabilities. I am proud that we introduced that in the Equality Act, and it is important that we see rapid progress. I think there has been progress. I do not have in front of me the data for the percentage of premises that are now accessible.

The Chairman: There is a human aspect. There were very heated debates. You say that the Government do not want primary legislation, but they brought forward a number of amendments to the Policing and Crime Bill, so obviously you are not that displeased with primary legislation. I put it to you that the onus should be on the premises. If it is a grade 2 listed building and the costs are prohibitive, I can quite understand; many of us would accept that. But if it is a bog-standard pub and it is being difficult, would it not be best for the onus to be on the premises when licences are issued?

It goes back to an earlier point that you made—that the Home Office or you, Minister, have no evidence that sub-committees are not working well. We have masses of evidence. It is there on our website. I encourage you to read it before we write our report. All of it—both the written and oral evidence that we have received—is there for everybody to read. It tells us that sub-committees are not working well and that magistrates' courts are not working well. We would like to know what the Home Office or the DCLG response is to enable licensing sub-committees and the appeals process to work better.

Sarah Newton MP: You raised a huge number of questions. I will go through them one after the other. I think I was half way through saying that it is really important that, as you rightly say, existing laws about access to premises for people with disabilities are enforced and we see rapid progress. I do not have in front of me today the percentage of properties that comply with the legislation. That is something that I will take away, to see how I can get from my colleagues across government what progress we are making there. It is something that I take very seriously.

As you have raised the issue, if new measures are introduced in Scotland, we will see how those go. If there is a review of them and there is good evidence that they were useful in making progress, of course we will consider them. Later, there will be questions around a minimum unit price for alcohol, which is something we work on with the Scottish Government. Of course we work with the Scottish Government. If they are learning things that we can take on board, we will be very happy to do so. I will absolutely do that.

When speaking previously about the functioning of licensing committees and magistrates in relation to appeals, I said that I was sure that there were cases of individual licensing committees making poor decisions or individual councillors not doing their job, but my concern is to look at systemic failure. I said that I had not seen evidence of systemic failure. Of course, I will be very happy to read the report and to take into consideration that body of evidence, to see whether there is something that is systemic, rather than individual lack of training or lack of implementation of powers that are already there.

Nicola Blackwood MP: The Committee has put its finger on something important that we in the department have noticed more broadly—a widespread attitude that dismisses the disability community as irrelevant. We need the disabled community to be seen as a relevant customer base, just like every other customer base, not differentiated but automatically provided for as part of the business plan. In the department, we are trying, along with DWP, to tackle the disability work gap, which has stubbornly remained in place over successive Governments and over decades. As you rightly noted, the Equality Act has been in place since the 1990s. Primary legislation has not addressed the disability work gap, just as it has not addressed a number of other injustices that disabled people in the UK have been trying to tackle. The question is whether legislative change will address the problem, or whether there are other measures that need to be put in place.

The Chairman: The Scottish law points in that direction; there are guidelines.

Nicola Blackwood MP: Exactly. The question is, what needs to be put in place? The Committee might consider the health and work Green Paper we are putting forward to try to address the disability work gap. It has all sorts of different steps, across a range of measures, to try to bring in, effectively, culture change. That is what is needed to bring in a lasting and, as my colleague said, sustainable change in this area. We cannot allow this kind of discrimination to continue.

Baroness Watkins of Tavistock: I particularly welcome the intervention on the sustainability of the disabled being fully included, not only as customers, but as workers in licensed premises. Some supermarkets have been really good at taking very severely disabled people, working relatively short hours, to suit the needs of both. As an academic, I have heard from you that we are waiting for Scotland. If you were doing a big research trial in drugs, you would just increase your

sample and get your results more quickly. Why are we waiting for Scotland all the time? That is how it feels to me.

Sarah Newton MP: Are you talking about the changes to the conditions of the licence—that premises have to have disability access?

Baroness Watkins of Tavistock: Yes, and some other issues relating to Scotland that we will talk about later.

Sarah Newton MP: When we talk about minimum unit pricing, there are some specific benefits.

The Chairman: We will talk just about disability at this point.

Sarah Newton MP: Okay. You are conflating the two issues, so I will probably talk about that in detail. I assure you that we are not waiting on Scotland for all our decisions.

Baroness Watkins of Tavistock: That is how it has begun to feel, it is fair to say: “Let Scotland do this test on people with disabilities, and then we will know what the evidence is”—whereas I think the evidence is pretty clear.

Sarah Newton MP: We are not waiting for anything, really. We are constantly seeing what more we can do. The real engagement with the industry is to get it to take this responsibility on itself, to see that this is an important customer base, to want to do something about it and to push it forward. That is progress. The point I was making is that we are always looking at what more we can do. We are always considering changes in policy, whether in other parts of the United Kingdom or overseas, and what more we can learn to bear down on our overall aims in the Home Office, which are, quite simply, to keep people safe. We have that open-minded, evidence-based approach to all our policy areas.

Baroness Grender: You talked about culture change and our wanting to generate that. If we consider drink-driving and driving with mobile phones, sometimes culture change simply does not happen unless there is significant legislation to force the culture change to take place. I think that you both accept that that is the case. It may be that it is the case in this instance.

Sarah Newton MP: You are absolutely right. To tackle the harms of alcohol overall, we need a huge culture change.

Baroness Grender: Sometimes the only way of introducing culture change is to have it backed by legislation.

Sarah Newton MP: I accept that. Sometimes legislation plays a very important role in changing culture, but an overall reduction in harm from alcohol requires a substantial culture change. Speaking very positively, in the work that Public Health England and the Department of Health have been doing, particularly with young people, on communicating what is safe consumption of alcohol and promoting the harms of alcohol, we are

starting to see that young people are consuming alcohol in less harmful quantities. We are beginning to see some quite substantial culture changes as a result of proper, evidence-based public health interventions.

The Chairman: It is disappointing to hear that 20 years after the initial Disability Discrimination Act came in we are waiting for a Green Paper. The congestion time from a Green Paper even to guidelines will be a minimum of two, three or five years.

Nicola Blackwood MP: It is specifically on health and work; it is not on issues to do with licensing. I wanted to refer you to it because I thought it was relevant to the principles that we are discussing today. I am sorry if I have disappointed you, but I think it is a positive step in the right direction. We brought it forward as a Green Paper because we wanted it to be developed by co-production, to use that terrible word—I do not know whether you have heard of it.

The Chairman: It goes along with “stakeholder” for me. It should be put in a box, with the keys thrown away.

Nicola Blackwood MP: Let us bring out all our jargon and get it off our chests.

We wanted to develop those ideas very carefully with the disability community and the business community to make sure that there was complete buy-in for the policies we were going to bring forward, so that it was sustainable policy. We are asking for some quite significant changes, and for a real culture change, as I said, in employment of people with disabilities. We saw no value in moving more quickly than having a Green Paper and proper consultation, and then going forward. There are some significant and chunky proposals in it, such as changes to statutory sick pay. Rather than having a cliff edge, we would have it tapered. That would mean that people could come back into work more slowly but still receive some statutory sick pay, which is very beneficial for people who are trying to come back in. I realise this is not the subject of today’s discussion.

The Chairman: I am sure that we can return to it.

Nicola Blackwood MP: We are trying to do the right thing by that particular community.

Q215 **Lord Smith of Hindhead:** We have just been speaking about culture changes. Since the introduction of the Act 11 years ago, there has been a significant culture change, although not perhaps one that the Act envisaged at the time. It hoped for a café society, but we seem to have come to an area where we are a stay-at-home culture society. I would like to speak to you about the off-trade and the fact that recently—in the last year—sales of beer in the off-trade exceeded those in the on-trade for the first time. In other forms of alcohol, the ratio split between consumption off and consumption on is about 80:20. There has also been an increase in online purchasing of alcohol. The verb “to google” is 10

years old, but the Act is 11, so the Act did not have that mind when it was introduced.

There is a feeling, particularly among those representing on-trade businesses, that the Licensing Act 2003 is now unfairly and ineffectively weighted towards regulating the on-trade, as compared with the off-trade. I wonder whether the Government would consider specific regulation of the off-trade, as in Scotland—again—where, for example, multibuy promotions are banned and alcohol products are restricted to one part of a store. This is quite a wide-ranging question. There are all sorts of ancillary points that come in, not least the concern about pre-loading, which is very much connected to the off-trade and what some people have described as irresponsible promotions.

Sarah Newton MP: First, the Government never subscribed to the view that the legislation was about creating a café society. It was a different Government who described it in that way. Attitudes towards alcohol in northern European countries are quite different from those in southern European countries. It is certainly not a view I have ever subscribed to myself, having lived in Italy for four years and seen the relationship that Italians have to alcohol, which is very different from that which British people have to alcohol. There is a very different social context.

You make a very important point about the changes that we have seen since 2003. You are absolutely right about the amount of alcohol that people are buying in the off-trade, whether it is online, through their supermarket purchases, or directly in supermarkets. I believe that the Act gives flexibilities for local communities to address any harms or crime that arise from perceptions about people purchasing alcohol in those outlets, whether it is pre-loading or the sorts of multipack offers that you mention. We are seeing some really good examples, through the alcohol partnerships you will be aware of. Hopefully you have seen evidence from those. In communities experiencing anti-social behaviour or violence associated with alcohol, where people feel that it is to do with off-trade access to alcohol, they have come together to tackle that, including voluntary bans on multipack promotions, putting alcohol at the back of the store and limiting the hours when supermarkets or other outlets are open. There has been some excellent work in communities to create safer communities where people can enjoy alcohol socially, and to take actions to reduce some of the harmful behaviour and effects that we have seen.

Lord Smith of Hindhead: There have not been too many of those examples. There have been one or two, but they are very isolated. We have heard evidence of them, but it is not a widespread thing for supermarkets to put everything towards the back of the store and not have multibuy promotions.

Sarah Newton MP: A growing body of areas are using the powers they have, enabled by the promotion of local action areas, promoting the powers in the Licensing Act and piloting. I am sure that my colleague will talk about the pilots that we have been doing with local authorities to try to look at the harmful health impacts in certain communities. We have

been piloting to get evidence bases, so that public health can have a greater voice and a bigger part in making licensing decisions. We have been doing a lot of local action area pilots. Where we have found things that work and there is an evidence base for them, we encourage the rollout of those. We have just received applications for a second round of local action area pilots. We have 20 in the country so far. There is momentum behind this. It is driven by giving better toolkits and more information to local areas, showing them how they can use the powers and showing examples of best practice. They are not isolated instances now; there is a growing movement of people using the new powers they have. Hopefully, we will see changes to the night-time levy, which will enable and provide resources for more local, joined-up partnership responses to problems.

Lord Smith of Hindhead: If you witnessed a fight in a town centre at 10.30 pm on a Saturday night, do you agree that your reaction would probably be that those people had been drinking in the pubs, not that they had been buying huge slabs of lager from the supermarket earlier in the day? It would not be your first thought that the supermarket might be responsible for that massive amount of intoxication.

Sarah Newton MP: There is growing awareness of pre-loading. That is a commonly understood view in society, and people making decisions for their local community are well aware of that. I do not want to take up too much of the Committee's time—I am certainly prepared to follow up in writing—but I have visited areas such as Newcastle that had substantial problems in the city centre on a Saturday night, with quite considerable violence and anti-social behaviour. They have taken a partnership working approach between licensing, law enforcement and those providing services for people who have alcohol or substance abuse problems—a really united effort in those communities—to understand what is driving the behaviour, the criminal activities and the harm being seen there and how they can prevent it, with substantial effect. I am told that you can go into Newcastle city centre now and have a very pleasant night out on a Saturday, whereas some time ago it would have been quite a frightening experience and most people would have stayed at home. The tools that people are using are bearing considerable fruit.

Nicola Blackwood MP: Lord Smith, you have made a very important point. Some stand-out local authorities are leading the way. The question is how we share that best practice across those that are not doing as well and assist them to raise their standards. We have a body that is specifically designed to do that: Public Health England. It developed a package of support as a result of the local alcohol action areas. We identified some key ways in which we thought that we could help them: improving their data, improving data-sharing agreements in those areas and making sure that they had sufficient analytical resource to use the data properly. One of the problems is that you give them all the data, but then it just sits there and nothing is done with it. The initial findings are that the support package was useful. It helped them to use the data

properly and led to some effective changes in the alcohol plans of those areas.

Seven local authorities took part in what they called, snappily, the analytical support package pilot—the ASP. They were chosen specifically to reflect a range of rural and urban areas, which face different kinds of challenges. They developed and disseminated the learning from the ASPs across all the different local authorities so that they could benefit. They showed how it maps on to current licensing objectives, so that all local authorities can learn from it, and at what geographical level it is available. We are very happy to write to the Committee so that that can go into evidence in time for the report. It is clear that the objectives of engaging with alcohol licensing and using the data properly are of real benefit to both public health teams and licensing teams. As my colleague said, we will roll out the pilot to 20 further local authorities going forward. We have not chosen them yet, but we will step it up for the next set of pilots. We are challenging local areas to look at how they can improve collection, sharing and use of data between A&E departments, local authorities and the police, so that it is even more beneficial in the next round and we can improve the impact.

One of the things we have concluded from that is that to include health as a specific licensing objective would not be beneficial. We have analysed what has happened in Scotland. One of the problems is that it is very difficult to link causality between a particular location, whether it is a supermarket, a nightclub or a pub, and a health outcome. Although you can identify where someone is having a fight, you cannot link chronic liver disease with a specific pub. They have found that problem in Scotland, so we think that having a specific health line would not really work. The route that we are taking with these pilots is proving to be very effective and beneficial. We think that we can go a lot further with it, so we will keep exploring it. We are very happy to report to the Committee on progress.

The Chairman: We will come on to that.

Nicola Blackwood MP: I am sorry; I have just answered a different question. I did not mean to.

Lord Brooke of Alverthorpe: I will be brief, Lord Chairman. I would like to go back to Lord Smith's question. We had the supermarkets in front of us a couple of weeks ago. They left us documents on community alcohol partnerships. There is hardly any mention of health in the work that is being done by the supermarkets. There are certainly improvements taking place with regard to crime and disorder and with children. When you went to Newcastle, Minister, did you go to the hospital and find out why they have more people going into hospital there? Did you ask the supermarkets what they might do about that and how it might impact on all the exercises that are taking place around the country, none of which is addressing those issues?

Sarah Newton MP: Community alcohol partnerships have been really effective in the ways you described, particularly on crime and underage drinkers, but they are not the only thing that we are doing. We talked about the areas we are working with, which are integrating health as well. That is one approach, but it is not the only one.

When I went to Newcastle, and when I have gone to see other examples of what communities are doing as a whole between health, the police and local authorities, I found that there was extremely good partnership working. It includes—

Lord Brooke of Alverthorpe: You are working with off-trade premises.

Sarah Newton MP: I would just like to answer that question. When people go into A&E, they are asked a series of questions about where they had their last drink—whether it was on licensed premises or at home—and where they got the alcohol. That data is collected in A&E so that appropriate action can be taken, including by the licensing authority. A&E admissions are important, but remember that only a minority of admissions to hospital are through A&E, although there is a huge burden on A&Es. I have spent time in my local hospital doing shifts on a Saturday night to see the impact. I have been out with police officers in my city and constituency to see the impact on policing and other emergency services of people who are drinking to excess, so I am really aware of the problems. That is why we now have a very co-ordinated approach across government, to gather the data and give local people the information they need to take the appropriate decisions. Licensing authorities can restrict access to alcohol in supermarkets. They can make decisions to take licences away altogether or to restrict their hours of selling. There are some good examples—

Lord Brooke of Alverthorpe: You just argued that we cannot do it on an individual basis.

Sarah Newton MP: We said that it is very difficult to make those linkages, but where the evidence is there, they will. For example, in some areas, when there are big football matches in a particular centre and they know that there is a high likelihood that people will go to particular supermarkets and buy alcohol before or after a match, there can be closures, so that those supermarkets are not allowed to sell alcohol between certain hours. There are good examples of when there will be interventions by the licensing authority, in partnership with the police and the local health service.

The Chairman: Does it not prove that the Act is not really being flexible and is not addressing the issues that were relevant in the build-up to 2003? In rural areas of north Yorkshire, which cannot be dissimilar to Cornwall, the pubs that are surviving are the ones that sell food. If 80% of the alcohol consumed at home, and a lot of drink generally, is not being taken with food, do you not think that the Act should be reviewed generally, to make it more fit for the circumstances in which we are now living?

Sarah Newton MP: As I said in my introduction, there is no doubt that things have changed since the Act was put in place. That is why we keep it constantly under review, to make sure that we can adapt it. It has been amended. It is in the process of being amended at the moment, through the issues around the night-time levy. We believe that by amending the Act, we have kept it current and we are giving people the tools they need. A lot of the time, it is about working in partnership, as we are doing, to make sure that we strike the right balance between enabling people to enjoy socially a night out and a drink and keeping people safe from the crimes associated with excess alcohol.

Lord Smith of Hindhead: The late-night levy will affect the on-trade, not the off-trade.

Sarah Newton MP: We can come on to that.

Nicola Blackwood MP: Can I intervene for a moment? It is important to remember that we are seeing a reduction in alcohol drinking among the under-18s, but we are also seeing a reduction in A&E admissions for the under-40s. Where we are seeing the increase is with the over-65s. We want to see targeted policies.

The evidence shows that the most effective intervention comes through the health profession. In the Department of Health, we have introduced a whole range of measures to try to make sure that that is working as effectively as it can, because until now it was not seen as a particular priority for the health profession to do that intervention. Recently, we published the Chief Medical Officer's low-risk guidelines, which gathered together all the latest evidence on drinking. That will lead to specific labelling on drinks and will educate a bit more effectively about the real impact and the consequences; as all of you know, it can lead to cancers and so on. We have also integrated questions about alcohol consumption into the NHS health check, which is for all adults aged between 40 and 74. It is an ideal opportunity to trigger GPs to ask questions about drinking that lead to follow-up questions. At the moment, we are also developing high-risk guidelines for clinicians, so that they are able to identify those at high risk of negative consequences from drinking, and to intervene. We have integrated interventions to reduce risky behaviours and to prevent ill health through alcohol and tobacco consumption in CQUIN—commissioning for quality and innovation.

The Chairman: That is very interesting. Perhaps you could write to us about it.

Nicola Blackwood MP: Okay—so not that interesting.

The Chairman: We are not even half way through yet. We do not want to be detained too long.

Nicola Blackwood MP: It will be one of the most important interventions to prevent unhealthy behaviours and the consequences you are worried about on this Committee.

The Chairman: I am sure that you will write to us. We must get through the questions.

Baroness Watkins of Tavistock: What I am hearing is that health is making progress, through CQUIN and in other ways, to try to influence young people, in particular, against excessive alcohol.

The Chairman: Can we do this as part of the questioning, please?

Baroness Watkins of Tavistock: Yes—but what I am saying is that, again, we have things working in tandem, Lord Chair.

Q216 **Lord Blair of Boughton:** Almost all the witnesses we have heard or whose evidence we have read say that early morning restriction orders—EMROs—have proved impossible to implement in practice. What do the Government intend to do about it?

Sarah Newton MP: They are quite a new measure. There has not been a big uptake of them yet. I understand that there were some issues around the practicalities, and the process has been streamlined. We are hoping that the improvements to the process that we have put in by consulting licensing authorities will enable them to be used more often. They are quite a new measure, so we do not have a lot of evidence yet.

Lord Blair of Boughton: You will not have much evidence, because they have been successfully challenged in the courts. Since the challenge, none has been introduced. So what are we going to do? Do you want to bring this back in a different form? The EMRO itself is impossible in its current form, according to the legal challenges, which have been successful. If we want to do this—it has been used very successfully in Australia, in different ways—something has to change, because at the moment no orders are being applied for.

Sarah Newton MP: We can write to you in far more detail, but it is my understanding that the challenges were around the process—that the way the consultations were done was inadequate. The aspects of the processes that were identified as problematic have been addressed. That is my understanding. If you want more detail on that, I will definitely write to say what the legal challenges were, what we have done and how we think that will now enable people to use the orders more effectively.

The Chairman: What we heard orally and had in writing was that all those who wished to introduce early morning restriction orders said that they are just not in an effective form at the moment. Not one local authority introduced such an order—even before the fund was set up to contest them. Of course, that may not be the case. I do not know how many incidents there are between 3 am and 5 am in Newcastle, Britain, as opposed to Newcastle, Australia. It may not be the appropriate instrument.

Sarah Newton MP: I am very happy to write with more details. There are other powers that local authorities are already using. There are voluntary agreements. There are often agreements to restrict early

hours. They can be conditions of licensing applications, anyway. We are not at all complacent about this area. Clearly, enabling those restrictions is very important. We will write with the details of the improvements that have been made to the process.

The Chairman: Who polices a voluntary agreement?

Sarah Newton MP: The community is the strongest possible police force. The police locally, working with the trade locally—

The Chairman: Let us pause for a moment. The community is the local authority, which often goes home at 6 o'clock. Most of these incidents are between the hours of 6 at night and 5 in the morning, and they are not there.

Sarah Newton MP: I said that it was the police. There are partnership arrangements, where a community has come together—the local council, the police, the health service and civil society as a whole—and said, "This is how we want to manage the situation in our town or city. These are the measures that we are putting in place". A range of local partnerships is working well. They are not isolated instances. We will write to you with examples of good practice in areas and show how it is spreading across the country and how we are working hard, with the Department of Health, to spread this best practice. As you said, rural and urban areas are different. You need different models in different places. What I have seen work really well in Newquay in Cornwall is different from what I have seen in Newcastle, but the principles are the same. Those principles are strong partnership working and the determination of the community to tackle the issues together.

Q217 **Lord Foster of Bath:** Can we move from one strategy and measure to help manage the late-night and early-morning economy that nobody has taken up to one that very few people have taken up—the late-night levy? We have already heard that councils are best placed to address the problems related to alcohol consumption, with other partners, and the late-night levy was designed to help with that, yet only seven out of 174 local authorities have chosen to take it up. At the moment, 70% of the money goes to the police, but they do not necessarily have to spend it on dealing with problems related to the night-time economy. Only 30% goes to councils, and in 2015 Home Office guidance said that the police and crime commissioner could have the power to vary that.

I have three very quick, interrelated questions. Lord Davies then wants to come in. First, should all the money that is raised through the late-night levy be spent on dealing with problems associated with the night-time economy? Secondly, do you think that it is appropriate that there is a different way of splitting the money—for example, allowing all the relevant partners to decide between themselves, as happens with BIDs? Finally, do you think that the basis for raising the money, which is currently rateable value, is the right one, or should we be looking at one based, for example, on the amount of alcohol sold by relevant premises in the relevant area?

Sarah Newton MP: Those are three very good questions. It is disappointing that more councils did not take up the late-night levy. I was a strong proponent of it in my own community. It was very disappointing, because the resources could really help to tackle some of the issues.

I am pleased with the reforms that the Government are bringing in. For example, my own area is a unitary authority. The problem with the levy, as you know—I am sure that you have had evidence on this—is that it would have had to be levied across the whole of Cornwall when, in fact, there are only certain places where there is a night-time economy and any sort of issue. The reforms will enable a certain geographical area to be chosen, so that the levy can be levied there and money spent in that community to tackle the issues. That is a really positive step forward.

Lord Foster of Bath: To be clear, money spent to tackle—

Sarah Newton MP: I am coming to that. I agree with you that it should work in the same way as BIDs. I am a big supporter of BIDs as well. If local businesses in a community are paying an extra tax and making an extra contribution, the money should be spent to the benefit of that local community. There is flexibility in the new proposed arrangements to allow the police and crime commissioner to work with the area—the mayor of the town or city where the levy will be charged, the business improvement district, or the chamber of commerce if there is no business improvement district, and representatives of the community—to develop a plan for how they are going to spend that money.

I see it as providing the resources for the sorts of plans that we have already seen working so well in enabling that sort of partnership working to go ahead. They will be able to spend the money on things such as having additional paramedics or first aiders working in town centres on a Friday or Saturday night and looking after people who are intoxicated, rather than have them going to A&E. That would be a very good use of night-time levy funding. It could be used for additional police officers, if that was felt to be appropriate. Picking up the theme of my previous comments, it is about local partnership working and deciding for each community the best way of spending the money that is levied.

On the mechanism, at the moment probably the fairest way of doing it is off business rates, because they take into consideration the volume of alcohol sold on premises, and the extent to which space is related to the volume of alcohol sold. This will cover all licensed premises, so supermarkets within the catchment area of the levy would be included, as well as individual pubs, off-licences or convenience stores selling alcohol. All the licence holders in the area would be charged. As you know, the Government have business rates under review—the way they are levied and calculated. That is a very important reform that the Government have under consideration. I am sure that, over time, we will always be looking at whether there are better and fairer ways of doing these things.

Lord Foster of Bath: If there is no relationship between the volume or quantity of alcohol sold and the rateable value of premises, will you be

willing to look at alternative models?

Sarah Newton MP: We always have an open mind for the best possible evidence and the best possible way of prosecuting our aims. Our aim in the Home Office is very clear: to keep people safe. If we can find better ways of doing it, we will consider them.

Q218 **Lord Davies of Stamford:** Is there not a perversity and illogicality at the heart of this late-night levy concept, because, as I understand it, every pub, supermarket or other licensee in the area whose hours permit them to trade in the hours that are relevant for the late-night levy is charged the levy whether or not they utilise that opportunity—in other words, whether they are open for all the hours and on all the days when they would be allowed to under their licence in the late-night levy period? That surely induces anybody in that situation to make sure that he remains open for business during that period, because otherwise that particular business would have incremental cost but no incremental revenues to match. You are therefore incentivising people to sell perhaps more alcohol than they otherwise would in an area where you want people to serve less.

Sarah Newton MP: That is a perfectly valid argument. I think the opposite would happen. If I was a business owner and I was going to have to pay extra money for something that I was not going to use, which would be of no benefit to my business, I would not do it. Businesses can seek a variation on their licence. If they have a licence that permits them to sell in the hours that would be caught up in the night-time levy and they decide not to do that because it is not in the interests of their business, they can change their licensing arrangements. They can make sure that they are exempt from that.

Lord Davies of Stamford: In many cases, they will decide that they want a licence to be able to trade on occasion in the late-night period, but they do not necessarily want to trade every night.

Sarah Newton MP: Each business will absolutely have to look at its own balance sheet. Each business will have to make decisions about how it wants to trade and make its own decisions accordingly.

Lord Davies of Stamford: If a licensee has decided that it is necessary for the business to remain open on, say, Friday and Saturday nights in a late-night period but the licence is such that they could open on other nights, they are incentivised to open on those other nights as well, because if they get the licence changed and they are not in a late-night period at all, they will not be able to open on Friday and Saturday nights. This is a real problem, is it not? You do not acknowledge that this is a problem.

Sarah Newton MP: I think I have already answered the question. Each business would have to look at the costs of doing business compared with the benefits of doing business and make their own decision on that.

Lord Smith of Hindhead: Bearing in mind that it is seven out of 174,

why do we not just scrap the late-night levy?

Sarah Newton MP: Certainly, in consultations that have been run on the original policy and consultations in regular meetings with stakeholders, people feel that there is a value in it and it would be beneficial, so I think it is worth pursuing.

Lord Smith of Hindhead: That is interesting.

Q219 **Baroness Henig:** The Government tabled amendments relating to cumulative impact and late-night levies in September, four months after this Committee was set up. We had undertakings from the Leader of this House that the provisions, if enacted, would not be brought into force before the Committee had reported, which we were relieved about. Can you further undertake that Ministers will not bring the provisions into force until they have considered and responded to our report?

Sarah Newton MP: The undertaking was given by the Leader of the House, and by Baroness Chisholm in answer to questions in the House of Lords, that we would definitely take into consideration the findings of this Committee before the measures were enacted. Saying anything above and beyond that would be purely hypothetical because I do not know what you are going to recommend at all—but we have given that undertaking.

The Chairman: I am going to push you a little further, just playing the lawyer for a moment. Could you give this Committee a categorical assurance that the Government will not bring into force the amendments in the Policing and Crime Bill before you have had time, in all the departments concerned, to consider and respond to our recommendations contained in the report, which has to be published before the end of March? Will you give us a categorical assurance?

Sarah Newton MP: Yes, we have given that assurance. We will definitely consider the findings before they are enacted.

Q220 **Baroness Grender:** Temporary event notices are used for very different purposes: school fairs, with one of which I am deeply familiar, or commercial clubs and pubs. There seem to be two very different uses. Do you think there is any merit in separating what is clearly and categorically highly commercial use from community use?

Sarah Newton MP: The TENs have proven themselves to be useful. I am pleased to see that in your capacity outside the House you have found them useful. We do not really have any plans at all to change the current arrangements. We have looked at the report given to us by the Local Government Association about the cost structure around the fees. That is certainly something I am carefully considering at the moment, but the actual operation of the TENs, from the evidence that I have seen and the feedback that I have received, seems to be working well.

Baroness Grender: Let me give you a “for instance” of where it is not working well for residents. If you are a resident, say, in Camden Market,

in effect venues have moved towards you. You have been a long-term resident; you did not move into clubland, but clubland has moved towards you. Imagine that 20 different premises are each using their maximum of 15 TENs a year. It means that your life is not your own on a nightly basis and it is through the use of TENs. I would suggest that, under that kind of scenario, the system is not working, and it is highly costly to the local authority involved. You are not getting bang for your buck for 21 quid.

Sarah Newton MP: I can see that, but there are restrictions. You mentioned the 15 permitted events. There is the 168 hours restriction.

Baroness Grender: The extra hours.

Sarah Newton MP: No more than 499 people in attendance at any one time and there is a maximum duration period. There are safeguards, and there is an application process, so they can be turned down. It is not automatic that every TEN is granted. There is a process. Obviously, it was meant to be a lighter-touch regime, but with those restrictions in place, if you are experiencing the situation you describe—and I can understand from the residents' point of view how that must feel—there are powers for them to raise the matter with their councillor and local authority.

Baroness Grender: Which are what?

Sarah Newton MP: Not to approve all those individual TEN applications and to consider the impact on residents.

Baroness Grender: But there is an assumption that a TEN will go ahead unless there are—

Sarah Newton MP: Reasons, yes.

Baroness Grender: The reasons are not in the hands of the residents.

Sarah Newton MP: The residents can make representations through their councillors. Their councillors can make representations, and I know, for example, from my casework as a Member of Parliament that admissions to A&E, objections from the police and associated particular festival-type events are all taken into consideration in an application. Local knowledge can be captured in the decision-making process.

The Chairman: Can I clarify? The residents cannot object. It is a notice; it is not an application in the normal way. The only people who can object are the police or environmental health officers.

Sarah Newton MP: But they can contact their councillor or a Member of Parliament, and through them they can make representations. They can make sure that the voice of the police is heard.

The Chairman: All within three working days?

Sarah Newton MP: I know myself as a constituency MP that the process can be made to work effectively.

Baroness Grender: With respect, where you are a Member of Parliament, it is not like the Camden Market experience that I described to you. I have not even loaded in on top of that the personal licence, which is a different can of worms. Let me give you another example. I am a commercial licensed premises and I am right next to an estate of residents. I use my maximum 15 TENs; then I apply to extend my licence, and because nobody has objected in the period when I used my maximum of 15 TENs, I get the licence awarded almost automatically. I would suggest that that use of TENs is very different from encouraging a community to use TENs.

The Chairman: That is not correct, apparently. It is not automatic.

Baroness Grender: I apologise. It is not automatic, but one of the things that comes up in that scenario—I apologise for the use of the word “automatic”—is that the licensed premises holder will say, “I have used 15 TENs and there have been no objections”.

Sarah Newton MP: Perhaps the best way I can answer that is to go back to the basic objectives of the Licensing Act, because a TEN falls under the criteria of the Act. The overarching objectives of everything that is licensed or enabled in the Act are to prevent crime and disorder; public safety is a key consideration; there is prevention of public nuisance and the protection of children from harm. When licensing decisions are made, they must bear in mind, and comply with, those four criteria, which are clearly set out as objectives in the Act. Although I accept that those decisions may not be made in the way you would wish them to be, the objectives and the powers are clear.

The Chairman: Is that something on which the Home Office would keep an open mind?

Sarah Newton MP: As I say, we always look at evidence from stakeholders.

The Chairman: Is that a yes?

Sarah Newton MP: We always look at what you have to say on these issues. You may come up with some really good proposals, which we will clearly take into consideration.

Q221 **Baroness Eaton:** The Deregulation Act 2015 introduced community and ancillary sellers notices, known as CANs, which would partially deregulate alcohol licensing for small organisations and businesses not primarily aimed at selling alcohol, such as bed and breakfast places and village halls. Why have those provisions not been brought into force and when will they be? They came on to the statute book in 2015, but since then no announcement has been made.

Sarah Newton MP: You are right to mention CANs. They are aimed at specific groups and are a very targeted measure for community groups, say, who want to have activities in a village hall, where they want to sell some alcohol, and, as you say, bed and breakfast providers or cottage

owners where people are going on holiday. There is no particular reason why they have not come into effect other than finding parliamentary time. There was proper consultation on them. It is just going through the process of government.

The Chairman: You do not need parliamentary time for a commencement order. Are you saying that the Government are not prepared—

Sarah Newton MP: It is just a question of finding the time to do it. There is no objection to them. We just have not done it yet.

The Chairman: You think they are a good thing, but you just have not done them.

Sarah Newton MP: Yes. They have gone through all the proper processes, and we just have not enacted them yet.

Baroness Eaton: There is no specific reason for saying, “No, we are not going to”.

Sarah Newton MP: No.

Baroness Eaton: Maybe after this, attention will have been drawn to them.

The Chairman: When do you expect them to come into effect?

Sarah Newton MP: I really do not know when they will come into effect.

The Chairman: We are available to sit on Fridays, if you wish.

Q222 **Lord Blair of Boughton:** There appears to be a real lacuna in the licensing law about airside, and indeed shipboard side, sales of alcohol. There is much evidence of an increased level of air rage. One in five passengers reports that they have a drink at the airport before they get on to a plane. We will be seeking a commitment from the Government to apply the Act to seaports and airports. There seems to be no reason why they should be exempt from the Licensing Act. It can be enforced by the police at the airport.

Sarah Newton MP: You raise a really important point. It is sad to see how people abuse alcohol before they get on an aeroplane. We have all seen pretty horrific images of what happens on some flights—even some flights having to be diverted and landed. There is harm to other passengers and to staff at the airport and on the aircraft. It is a really important point. Our concerns have been about the practical application of how we could enforce licensing in that context, so I would welcome any evidence you have taken from any of your witnesses as to how we could do that. In the interim, being not at all complacent, we have been working very closely with the industry on the UK aviation industry code of practice on disruptive passengers.

The Chairman: It is a voluntary code.

Sarah Newton MP: It is a voluntary code but very much supported and backed up by police who are already available at the airport. That measure has been welcomed by airports and the aviation industry, and seems to be having a really good impact. There has been a reduction in the bad behaviour that we have seen. If you feel that there is more that we can do rather—

The Chairman: With respect, it is not working. Can I make a practical suggestion? In the major airports and seaports where this appears to be a problem—press cuttings as well as our report will guide you—issue the licensing authority with a pass so that they can pop through to airside or shipside, at airports and ports, to see what the problem is. It is not beyond the wit of the Home Office to do that. This is a growing problem. I understand that it is more difficult on planes, and I presume that the airlines give their staff special training, as ferries would as well, one would hope. The explanation that we have received from the Home Office is that the exemption of premises serving alcohol airside is one of practicality and inspection; but it just involves issuing a security pass, the same as baggage handlers have to have. If you are telling me that people doing licence applications fall into a different category from baggage handlers, I would like to know why.

Sarah Newton MP: I completely accept the issue but I do not accept what you said about it getting worse. The code of practice was launched in the summer. My officials and I have taken a keen interest in it. I am a regular passenger myself and in the past have seen some appallingly bad behaviour. Actually, it is working. There is a whole series of practical measures that are flightside. Somebody has to be the designated premises supervisor, who has to check on the responsible sale of alcohol. There are the same measures in bars flightside as there are on the high street. The police are involved flightside. The aviation industry itself is training, as you mentioned. We are seeing a reduction.

The Chairman: Can you give us a fundamental reason why airports and seaports, given the conditions we see, are exempt from the 2003 Act? That is what we are looking at.

Sarah Newton MP: If we can take a step back and look at the whole approach that the Government take to crime prevention and reducing harm, which is clearly set out in the strategy, it is about doing what works and working in partnership. By taking on that issue, and getting around the table all the people who can make a difference, including licensed premises, we believe that the code and all the measures it sets out, which are now being implemented, are the way to tackle this.

Lord Blair of Boughton: The licensing authority could say to the restaurants and bars—almost invariably the outlets of large companies that run restaurants and bars outside airports and seaports—“No, you cannot have a 24-hour licence”, because there is no purpose in having passengers drinking at 5 in the morning. By exempting them from the licensing law, you leave it absolutely open to them as to how much alcohol they serve. There is not even a legal provision to prevent them

serving it to people who are drunk. It is a simple issue of saying, "By the way, you are now subject to the Licensing Act. We will give you 12 months' run-up to this, but you have to have a licensed premises supervisor".

Sarah Newton MP: I can send you all the detailed provisions of the code, which is working now.

The Chairman: But Minister, can you give us the reason why the Government exempted licensing authorities from the 2003 Act airside and portside? We would like to know why.

Sarah Newton MP: Because we think the code is a better way of dealing with the problems that you have identified. We think the comprehensive code is a more effective way of dealing with them. We absolutely recognise the problem that you describe, but we think this is the best way of dealing with it.

Lord Davies of Stamford: I am afraid to say, Mrs Newton, that we still have not heard a single reason from you as to why the Licensing Act should not be applied on the airside as well as the landside of airports.

Sarah Newton MP: As I say, we believe that the measures we have taken are the measures to tackle the issue.

Lord Davies of Stamford: That is not an answer to my question. You said there were practical reasons why the Licensing Act could not be extended to the airside. What are those practical reasons?

Sarah Newton MP: You are obviously very disappointed with the response that you have had, but I have nothing further to add.

The Chairman: To be fair, you quoted, in response to my question, the voluntary code, and we have heard a lot about voluntary codes during the course of the evidence this morning. I think you are detecting that the Committee is not much impressed by voluntary codes.

Sarah Newton MP: Yes.

The Chairman: We would like to know the reason why those areas have been excluded, when the incidents are increasing. I would not like to be on a plane or a ferry with all those incidents. It is not fair to subject members of the crew to them. We had an incident from Newcastle on a Danish ferry where this happened. We just want to know why they are excluded.

Sarah Newton MP: I feel I have answered the question. I understand that you do not feel that I have. I accept that you feel that I have not, but we will have to leave it there, because I have nothing further to add.

The Chairman: How long are you prepared to give a voluntary code that does not appear to be working to act?

Sarah Newton MP: I do not accept the premise that it is not working. Of course we always keep everything under review, and if we need to take further actions, they will be taken.

The Chairman: You are happy for premises landside to be inspected and you do not think there is a problem landside, but you think that we need a voluntary code airside, where perhaps there is a code, but they would still be exempt from the Licensing Act.

Sarah Newton MP: As I said, the code specifies a responsibility on all premises that sell alcohol flightside.

Lord Foster of Bath: Can I ask a simple question?

The Chairman: Briefly, and I mean briefly.

Lord Foster of Bath: Minister, if you are so confident that the voluntary code is a good way of doing it, would you be prepared to scrap the 2003 Act and simply apply voluntary codes to all licensed premises that are not airside?

Sarah Newton MP: No.

Lord Foster of Bath: Could you explain why?

Sarah Newton MP: As I said, what is in place at the moment is having the impact that we all want to see. If we do not see that continuing, of course we will see what more we can do.

The Chairman: Minister, we will reach our own conclusions, I am sure.

Q223 **Baroness Watkins of Tavistock:** My question is no. 14 and I know you have partly answered it, Ms Blackwood, but to reiterate, we have heard from many public health officials, police and local authorities that the addition of a fifth licensing objective of the promotion of public health and well-being would be useful. Many others have claimed, and you explained earlier, that it would be quite difficult to operate in practice. What is the Government's view on this, particularly in relation to licensing retail outlets?

Nicola Blackwood MP: The Government's view, which is based on observing Scotland's experience, is that it is not really enforceable and that the situation at the moment, which is that directors of public health are specifically consulted and asked for their evidence, is the most effective form; but that must be allied with very effective provisions within the health system locally, which we are attempting to strengthen with the measures I have mentioned, allied with the sharing of best practice, as in the evidence from the University of Bristol, on stronger local alcohol policies. I should probably send you that research along with the examples of best practice from across the country.

The problem is that associating individual health harms, or even community health harms, with individual premises is very difficult for local authorities, and they would probably lose on appeal. That is why we

do not believe that it would be an effective change to the Licensing Act. There are routes through planning where local authorities can take action, and through public health interventions taken by local authorities, and we are attempting to provide every support we can to local authorities, and to GPs, to increase their public health interventions in the local area. We are seeing improvements in those areas. In fact, in a difficult time for funding, funding for alcohol services is one area that has increased in recent times.

Baroness Watkins of Tavistock: My second question is related. How do the Government believe the licensing system could be used to combat the health problems associated with alcohol? I was interested to hear that the late-night levy might purchase extra paramedics. I have been a non-executive on the South Western Ambulance Trust for seven years and I know the extent of the work that has been done in that area, but I would like to understand where the health promotion comes in, rather than the solution after somebody has had too much to drink.

Nicola Blackwood MP: There is partnership working—as in some of the examples that you have heard about from my colleague where there are problems identified—which is stepping in and intervening, having discussions, putting alcohol to the back of the shop, or changing the way those retailers work. That has been successful in some areas. We are going to send you those examples.

Baroness Watkins of Tavistock: Are you saying that the public health position in the local authority is influencing that?

Nicola Blackwood MP: The directors of public health rather than public health positions, I think, because they can present those examples to the local authorities. Police, too, are able to identify where there are problems, and that is where the partnership working comes in. That is why Public Health England is trying to intervene to encourage directors of public health to play a more active role in this area. We recognise that it is an area that needs to be strengthened and can be extremely effective. That is why the pilots that we have run with seven local authorities are now being scaled up, and we are working to make sure that data is being shared more effectively between A&Es, the police and the local authorities. We are putting in the capacity to make sure that the data is being used effectively to develop local authority policies, which would go not just to licensing but to planning. That is what we are working towards.

I accept that there is frustration that we are perhaps not where we would want to be at this point, but we also have a good evidence base to use in the recent PHE alcohol review, which has pointed us to some really good evidence and policy that we can build upon. That is our strategy. We have seen evidence from the first stage of the pilot that it has been effective, and we have every intention of making sure that the second stage of the pilot is even more effective. Through PHE, we have a good mechanism to make sure that learning is shared across local authorities, and because we can look at the data and see which areas have the most

concentrated areas of problem drinking, we can make sure that the areas of the country that show the most significant problems are those that we target first. We are working to make sure that we use our resources smartly and most effectively.

- Q224 **Lord Brooke of Alverthorpe:** Thank you very much for that reply. It has been a long morning, and you are batting very well. The sticky bit of the wicket, as I see it, is the health aspect. You pointed to the Public Health England report and the evidence that came out two weeks ago, which shows conclusively that we have a cultural problem. In fact, we are now drinking more in this country than we were 50 years ago. It is true that recently drinking has declined, as you said. Younger people are drinking less, and this is all good news. Crime and disorder are down marginally. But the figures on admission due to ill health related to alcohol directly into hospitals have grown astronomically since the Act came into play. Whether it is linked to the Act is a different issue entirely, but do you accept that we have a problem with health, and what does the Home Office intend to do about it, given that the central theme of the PHE report is that pricing counts, the licensing objective is about retailing, and retailing in turn must affect pricing?

Sarah Newton MP: You are really talking about the MUP.

Lord Brooke of Alverthorpe: The MUP or pricing in general.

Sarah Newton MP: Absolutely. It is a really important principle that policy-making should be evidence based. It is an area that we keep under review. We are working with the Scottish Government, and we noted the rulings in Scotland; we do not want to go ahead with a policy that we would not be able to implement because of rulings in the courts. We are waiting to see what happens. I expect it will go to the Supreme Court, which will make a ruling as to whether the Scottish Government were right and were able to introduce MUP. We will wait to see what results from that. We keep the whole alcohol pricing area under review.

Lord Brooke of Alverthorpe: The evidence that the Home Office presented to us in the first instance barely mentioned health; there was a two-line reference to it. We raised it, and some evidence was sent to us subsequently indicating the scale of the health problem. If the Scotch Whisky Association is successful in the Supreme Court, do you accept that we will still have a major problem with health-related issues linked to alcohol, and in those circumstances what is plan B for the Home Office to act on?

Sarah Newton MP: We work very closely across government, as I hope you will have seen from some of the evidence we have given today. When the Home Office is asked to respond to an inquiry such as this, it looks at it from the point of view of the Home Office, knowing that you will be taking evidence from the Department of Health and any number of other government departments as well. I would not read into the two lines in the submission that you received from the Home Office—

Lord Brooke of Alverthorpe: I am sorry, but you were ultimately responsible for the Act.

Sarah Newton MP: I may be taking a little while to answer the question but it is important to set the context. We work right across government.

Lord Brooke of Alverthorpe: I am aware of that.

Sarah Newton MP: There is a whole series of policies on which we work together. Because it was only a two-line mention does not mean that we do not understand and that we do not take it very much into consideration.

With regard to the pricing of alcohol, if the evidence is there to show that changes in pricing would have a positive benefit on public health, of course that is something we will review across government. It will not be a policy for the Home Office alone; it will be a policy across government.

Lord Brooke of Alverthorpe: Do you yourself see that pricing has an impact?

Sarah Newton MP: I do, and since I was elected I have supported measures to tax the strongest and most harmful types of alcohol more highly. The first statutory instrument I was involved in was to define the apple content of cider so that we could protect our West Country artisan cider industry while making sure that the very cheap, incredibly harmful alcohol that is sold as cider, and has probably never seen an apple, could be appropriately taxed. We have brought in other measures such as that alcohol cannot be sold for less than the cost of production plus VAT. They are all measures the Government have taken on duties and tax to recognise the harmful effects of certain alcohols taken to excess.

Nicola Blackwood MP: These are obviously matters for the Treasury, which you might want to ask them about directly. It is worth noting that Brexit will have a bearing on this, because it will be possible to have much more differentiated and targeted taxation of alcohol following Brexit, which has been a particular challenge and one that was noted in the PHE report. While there are all sorts of challenges that we might note with Brexit, this might be a benefit.

Lord Brooke of Alverthorpe: Does the PHE have a view it would want to put to the Treasury on variation of taxation?

Nicola Blackwood MP: I have absolutely no doubt that, should the issue arise, PHE will be vocal in its views.

Q225 **Lord Davies of Stamford:** Mrs Newton, many witnesses have been critical of the out-of-date processes by which licence applications have to be made. In particular, they have criticised the requirement to advertise new licence applications in local newspapers, and the inability to submit electronic applications in many local authorities. Do the Government think there is some force in those criticisms?

Sarah Newton MP: Thank you for that question. The last time that the Home Office consulted on the advertising regime for licences, there was strong support for adverts in local newspapers. I know that applicants for licences consider that a costly burden, but it enables the community to understand what is going on. We have heard from other discussions earlier this morning the importance of residents understanding what is happening in their community and using the opportunities they have either to work with their councillors or make direct representations on applications. I support the need for advertising in local newspapers, accepting the costs that it will have for licence applications.

Some local authorities are moving in the direction of electronic applications. They have moved some of their planning online and they can move their licensing online as well. Inevitably, with the advent of new technology, we have to keep apace, and allowing more electronic applications can be beneficial, although I am always very keen to make sure there are paper-based options, especially for people in remote rural communities, people on low incomes or those who rely on public transport, who may not have access to the internet or to the offices where the papers are held. Making sure that people are not excluded from having their voice heard and having the information they need to make decisions is really important, and we must not lose sight of that in our march for ever-greater efficiency.

Lord Davies of Stamford: Thank you. I will end it there.

Lord Foster of Bath: Could I ask one more question?

The Chairman: Briefly.

Lord Foster of Bath: Minister, you said that the reason why you wanted to keep advertisements in newspapers was that the public really wanted them. It would be very helpful if you could provide evidence of that to this Committee, because certainly when the matter was discussed in the deregulation committee chaired by Oliver Letwin the reason given for retaining them was to provide continued financial support to local newspapers, not because there was public support for them. If you have evidence that that is incorrect, we look forward to receiving it.

Sarah Newton MP: I can send the responses to the last consultation.

Baroness Goudie: Local newspapers are now going online, but not everybody reads newspapers online, so we need to look at a completely different way of putting the notices out there.

The Chairman: We heard in evidence that planning notices are more noticeable and that licensing notices were not.

Sarah Newton MP: I would be very interested to hear your recommendations on that.

Baroness Goudie: We need to look at another way. Local newspapers are going down because of costs and so on.

Sarah Newton MP: I would be very willing to look at your recommendations.

- Q226 **Lord Brooke of Alverthorpe:** Local authority licensing fees are well below the level of cost recovery, and many local authorities have told us they want the fees increased to reflect that, or to be able to set the fees themselves; indeed, in 2012 the Government agreed with that view. They want to do it on a local basis. Do the Government accept that licensing fees are currently too low and, if so, how do they believe this should be rectified and when?

Sarah Newton MP: I am very sympathetic to the concerns raised by the Local Government Association. As you know, quite recently it published a report, produced by the Chartered Institute of Public Finance and Accountancy, *Making the Case*. I have read the report and I am carefully considering the response at the moment, but I am very sympathetic. It is highly desirable that they should be able to recover their costs. However, I want to be very careful about this, because we have seen some very poor practice in some local authorities in relation to other fees that they can charge, particularly on parking, where, rather than working on a cost-recovery basis, they see it as a cash cow and charge huge amounts to the detriment of local businesses and the local community. So although I am very sympathetic, I want to make sure that we introduce something that is strictly cost recovery and does not encourage or enable local authorities to treat it as a cash cow.

Lord Brooke of Alverthorpe: Does that indicate that you would not be too happy about it being devolved to local authorities to fix the fee themselves?

Sarah Newton MP: I would not encourage you in any direction at all other than to wait for my response, which I will do as soon as I can.

- Q227 **Lord Smith of Hindhead:** This could be the best left until last, although that is possibly for you to determine. Minister Blackwood, in your opening remarks you spoke about a successful pilot scheme in Liverpool that had taken the step of not serving alcohol to people who were drunk. Under Section 141 of the Licensing Act 2003, it is in fact an offence to sell or attempt to sell alcohol to any person who is drunk, yet on average there have been about 73 fixed penalty notices a year put through on that. It is really not part of the Act that is properly understood, and certainly not one that is enforced. If this section of the Act, or perhaps the Act on a wider basis, was understood more properly and implemented by enforcement officers, do you think that many of the things we have spoken about today, such as the late-night levy, EMROs and MUPs—all the difficulties—would be avoided if people were not served alcohol when they were intoxicated?

Sarah Newton MP: You raise an incredibly important point. Nobody should sell alcohol to somebody who is intoxicated. It is an offence and it should be prosecuted. I know from my work in the areas I visited that have strong partnership working that this is something the police in those

areas take really seriously and it has been of huge benefit. I visited Consett in County Durham where they had enormous problems related to alcohol. Partnership working, including specifically taking licences off licence holders who were selling alcohol to people who were intoxicated, has literally transformed Consett. I went out with the street pastors—they are not called street pastors there; they are called “street angels”—and saw for myself how the community had been transformed by active prosecution of that particular aspect of the Licensing Act and all the really good partnership working that we have heard about. It is really important. The College of Policing is working on that to make sure that all police officers properly understand all the provisions of the Act and are given best practice on how to implement it. It is a very important feature of the Act.

Lord Smith of Hindhead: We would be very interested to have some statistics on how many licensed premises have lost their licence as a result of breaching Section 141, because in previous evidence we have really struggled to get anybody to admit that there have been even one or two. We would like that.

Sarah Newton MP: I will make sure you are sent that evidence.

Nicola Blackwood MP: This is something that comes up commonly across legislation. Often you get calls for new laws, when actually if you just enforced effectively the existing powers that are in place, you would find a transformed landscape. With the Licensing Act, plus planning powers, plus using effectively health, policing and all the other resources that are in place in local communities, we would find ourselves in a very different place. That is the whole point of the PHE pilots; it is the whole point of all the health measures we are bringing in; and it is the whole point of all the different bits and pieces of guidance that are in place. Local authorities and all the others are dealing with a cluttered landscape, so we are doing whatever we can to try to assist them, and I am sure that the Committee’s report will be another piece of assistance to help drive forward the change we are trying to see in alcohol consumption and alcohol harms.

The Chairman: Minister Newton, you said that the College of Policing is looking at this. In what context, and what is the evidence of that, because that is not what we heard?

Sarah Newton MP: I have ongoing conversations with the College of Policing about ensuring that police officers have good training and good guidance. It is part of my conversation with them to look at what more needs to be done on that.

The Chairman: There is a lot to learn from other countries and cities such as Amsterdam, New York and Berlin, which integrate the night-time economy quite effectively into their way of life. You spoke earlier, Minister Newton, about different ways of consuming alcohol in other countries. Do you think that we can learn from the experience of other countries?

Sarah Newton MP: Yes. We should always be looking to see what we can do, what the evidence base is, and look at different countries as well as what is working here. Reports such as the one you will produce will be very welcome and will help to inform our policy as well. My only slight caveat about making comparisons in this particular policy area is the huge cultural differences that exist in different nations' attitudes towards alcohol, even with our nearest neighbours in the continent of Europe, where people have quite different cultural and historical relationships with alcohol. While of course we should always be doing that, we need to bear in mind that in this policy area what may have worked well in Australia is not necessarily going to work well here.

The Chairman: A constant theme that we heard in both the written and oral evidence was how out of the picture many residents felt in the process. Have the Government given any consideration as to how residents might feel more involved in the licensing process?

Sarah Newton MP: As with the answers to other questions, it is about making sure there are advertisements, accepting technology and that we go online, and bearing in mind those communication channels. It is an ongoing endeavour to make sure that citizens have all the information they need to be informed and active citizens.

The Chairman: On behalf of the Committee, we are very grateful to you for being so generous with your time and for endeavouring to answer our questions, and particularly for the commitment that you will consider and respond to our report and the recommendations therein before anything is enshrined in law. We thank you very much indeed for being with us this morning, and we will now adjourn. This is our last evidence session. We take this opportunity to wish you a rest over Christmas and a happy Christmas and a good new year.

Sarah Newton MP: Thank you very much indeed.