



Liaison Committee

Corrected oral evidence: Licensing Act 2003— follow-up

Thursday 10 March 2022

2 pm

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Liaison Committee—members present: Lord Gardiner of Kimble (The Chair); Lord Blencathra; Baroness Coussins; Baroness Scott of Needham Market; Lord Taylor of Holbeach; Baroness Walmsley.

Licensing Act 2003 Committee—members present: Baroness McIntosh of Pickering (former Chair); Lord Blair of Boughton (former member); Lord Foster of Bath (former member); Baroness Henig (former member).

Evidence Session No. 2

Heard in Public

Questions 9 - 15

Witnesses

I: Assistant Chief Constable Scott Green, Alcohol Harm and Vulnerability Lead, National Police Chiefs' Council; Michael Kill, CEO, Night Time Industries Association; Kate Nicholls OBE, CEO, UKHospitality.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witnesses

Scott Green, Michael Kill and Kate Nicholls.

Q9 The Chair: Good afternoon and a very warm welcome to this meeting of the Liaison Committee. I am delighted to welcome our witnesses, one in person and two virtual, and I will hand over to Lady McIntosh of Pickering and her colleagues, who were members of the Licensing Act 2003 Committee. First, I would ask our virtual witnesses to introduce themselves, followed by the assistant chief constable.

Kate Nicholls: I am chief executive for UKHospitality, which is the national trade body for licensed premises, eating and drinking out, hotels, pubs, bars and restaurants. We have 700 member companies. Between them, they operate 100,000 outlets across the UK, which is approximately 95% of the hospitality market in the UK.

Michael Kill: Good afternoon. I am the chief executive for the Night Time Industries Association, which is a trade body that represents the late night sector, predominantly businesses that operate between 6 pm and 6 am. We have about 1,400 business members, which equates to about 10,000 individual unit businesses.

Scott Green: Good afternoon. I am an assistant chief constable from Greater Manchester Police, and I am the National Police Chiefs' Council lead for alcohol, harm and vulnerability.

Q10 Baroness McIntosh of Pickering: May I add my welcome to the witnesses joining us this afternoon? I would like to open on the licensing system and ask each of you in turn what you believe are the issues experienced by interested parties, licensees and responsible authorities in using the licensing system. In your view, have there been any changes or improvements since the publication of the committee's report? Finally, do the licensing and planning systems work well together?

Kate Nicholls: In preparing for today, I looked back through my evidence to the committee last time around. Probably, that evidence answers your question about what has changed and whether there have been any changes or improvements, in so far as my evidence to the committee then remains the same as my evidence to the committee now. When we are asked about experiences by stakeholders and licensees in using the licensing system, the same problems and issues arise that we explained to the committee last time around in 2017.

Over the past decade, you have had a high degree of variability. Where it works well, it works really well, but there is no consistent good practice across the country. There is variation in the way in which the policy is envisaged and applied at a national and local level. There is variation between local authorities, local stakeholders and other interested parties and responsible authorities in the way in which they interpret the national legislation and then apply it locally.

Clearly, over the period between the committee's last investigation and this, we have had Covid. Therefore, for two years, you have had, effectively, a stasis. We have not really had much experience of the way in which the licensing regime works in practice, because licensing has not operated in reality in the same way it would have done pre Covid. We are only now just starting to get the reopening and back to business as normal.

However, I would highlight that, during the Covid period, we have seen an improvement outside the Licensing Act and the formal regulatory structures in partnership working and in co-created solutions to some of the problems identified. As we were looking at how we could reopen and rejuvenate our town and city centres, and accelerate the recovery of our night-time economies, the stakeholders, industry, police and local authorities came together to work on solutions and best practice guidance.

The other main area that we have seen change in is the introduction of a national low-cost fast-track licensing regime for pavement licensers and deregulation of outdoor areas, which has been incredibly popular both with the public and with businesses. That is an area I could point to where partnership working has taken place. Where problems were anticipated to emerge from those changes—to the structures on licensees' own premises and to those on the public highway, as well as to noise and nuisance—the responsible authorities and the industry worked really hard at a national level to make sure that those problems did not emerge and that we could all take advantage of the opportunities while protecting the interests of those who live and work near the licensed premises.

That takes us on to the second half of your question about licensing and planning. This was an area, albeit quite a small one, where licensing and planning were working in tandem and collaboratively to make sure that that new system could be introduced at pace and could be supportive, and you could have one simplified fast-track permission to be able to get that through. Other than that, I would concur with the witnesses you heard from earlier. I would suggest that there has not been progress, in any material sense, towards taking forward the changes envisaged and recommended by the committee's last report. You still have variability. We are still at the stage of talking about pilot projects for how the two could work more consistently together.

As we come out of the pandemic and move towards, I hope, a regeneration and rejuvenation, where you will be looking at businesses taking over existing premises and changes of use, particularly retail into mixed-use developments, it will be ever more important that planning and licensing work coherently and consistently together, that we streamline that process and that we do not burden businesses with two sets of application processes or delay any procedures unnecessarily, by making sure that those two systems work in tandem rather than sequentially, which is what happens all too often at the moment.

Baroness McIntosh of Pickering: I put the same question to Michael Kill.

Michael Kill: Kate has summed it up very well. Just to reiterate without going over covered ground, during the pandemic, there has been a huge amount of support through licensing, local authorities and police with regard to the challenges being presented by operators and regulators. That has gone somewhat towards building a more collaborative relationship. As was reiterated by Kate, the low-cost fast-track pavement licence is proving to be very popular with the public and business and is, without a doubt, a lifeline to businesses. We hope that, post pandemic, this will move forward as part of the recovery phase.

We also have to recognise the importance, as we move into recovery and the withdrawal of public-funded support, of looking to a more flexible licensing and planning policy to allow for recovery and more responsive licence policies that would allow them to be adapted and changed based on the economy. There are small changes, and, without going over covered ground, online applications, duplications between planning and licensing systems and the review of the centralised onerous licensing fees have been huge challenges and frustrations for many across the industry, particularly the late night economy.

As I am sure you are very well aware, off the back of 19 July, as businesses start to reopen, that there have been a growing number of complaints and challenges about noise and nuisance, particularly as many communities have not been exposed, over a two-year period, to a night-time economy or a hospitality sector that, previous to the pandemic, would have been quite normal. On top of everything else, the reality is that we are not seeing the impact. It is too early at the moment, given the engagement on licensing and planning. We are starting some very positive collaborative initiatives and pilot schemes in major cities, and we are very focused on driving those forward.

Just to be clear, when we talk about the second part of your question on licensing and planning systems working together, in the majority of cases we are still seeing siloed licensing and planning departments not engaging. We are also seeing a very difficult period where there has been little engagement between licensing and planning pre application. In answer to your overall question on whether we have seen an impact through change, I would quite clearly say, "Not at this stage". I am afraid I cannot say that things have improved, but given that, at this time, businesses in question are further compromised by current trading and debt position following the pandemic, we have a difficult road ahead. It is vital that planning and licensing come together alongside key stakeholders so that we can start to look at regeneration and recovery, and look at working together on flexible outputs, on which we are working with other government departments.

Scott Green: In relation to the first question, from the police service's perspective, there is very clear evidence of police services, local

authorities and licensees working much more effectively together, certainly since the committee's last report.

You asked whether there have been any issues. The only issue that police colleagues would raise is that, where a licenced premises is taken to a summary review because of an incident or disorder in the premises, if the licensee appeals that, those premises continue to trade while that appeal is being heard. In some cases, there is anecdotal evidence that that might be where the licensee has no intention of following the appeal all the way through. It can lead to those premises being led in a less than satisfactory way, particularly if the appellant wants to walk away at the end of it. That is not an overbearing issue, but it is one that we have seen some evidence of across the country.

In relation to the planning and licensing systems working together, as we come out of the pandemic I think you will see further evidence of it. An area that we need to keep under review is the issue of licences across pavements and the table service. This, from the service's perspective, is the first summer with no restrictions in place, so we will have some obvious conflicts. We need to consider the impact of a public spaces protection order across a town or city centre where, in the middle of it, there could be a licensed premises with street furniture and people consuming alcohol in that space. Similarly, under the current legislation, those areas outside are not part of that licensed premise.

At this stage, from the police service's perspective, we need to review the implications of having that table service and table environment in city and town centres, particularly now that we have much more free flowing of people across those town centres, and the impact of that as we start to get those mixed groups. We must not forget that many of those premises operated outside at a time when only table service was allowed, so this is the first summer without restrictions where we will see those two environments coming together. From our perspective, colleagues across the country will need to keep that under review as they police those night-time economies.

We are very clear, from the police service's perspective, on our role in supporting licenced premises in their bid to grow as we come out of the pandemic and make our town and city centres a really safe place for people to enjoy the evenings.

Q11 Lord Foster of Bath: Thank you, all three, for being with us. I will turn to Michael Kill first. I am sure you are well aware that, back in 2017, our report recommended that, to protect existing businesses such as pubs and nightclubs, the agent of change principle should be incorporated into both the planning guidance and the licensing guidance. Since that time, in 2018, the agent of change principle was included in the planning guidance, but not in the licensing guidance.

I would be very grateful to hear whether you think that it should be incorporated into the licensing guidance as well and whether that would make a difference. Equally, do you think, given what Michael said about

the siloes between licensing and planning currently, notwithstanding the assistant chief constable's view that it is getting a little better as we come out of the pandemic, that is the key problem? Would putting it into the licensing guidance make any difference whatsoever?

Michael Kill: As stated before, there remains a huge issue with night-time economy businesses being threatened with closure, despite the inclusion of the principle into the National Planning Policy Framework. This is, in my view, due to the fact that this is only advisory and, in practice, is implemented on a very ad hoc patchwork basis across local authorities. Something stronger needs to be done, and I would agree that it needs to be included in the licensing legislation.

The key thing, which the NCI recommended last year among widespread reports that the planning Bill was imminent, is that the agent of change principle be enshrined in both planning and licensing legislation. We said that the changes in legislation should include a duty on decision-makers and local authorities to consider the agent of change principle when granting planning applications, permissions and licensing; a duty on agents of change to take responsibility for ensuring that existing venues or residents will not be negatively impacted by new developments, for example by funding soundproofing materials; and a duty to support defendants of noise nuisance claims if these first two steps were taken.

Many of my members, the wider industry and I believe that this is a measured and sensible solution to ensure that we protect our towns and high streets, build back better and provide a harmonious urban environment for all to enjoy. Now it is being reported that the Levelling-Up Secretary, Michael Gove, will try to make changes to the planning system as part of levelling-up legislation. We believe this legislation should also include provisions that achieve what I have set out and highlighted previously.

Lord Foster of Bath: That is very helpful. Just so I have it absolutely clear, you are suggesting that our recommendation back in 2017 that the agent of change be incorporated in guidance in both licensing and planning is inadequate and you actually want it to be in legislation, with clearly specified duties for the relevant parties.

Michael Kill: Yes, that is correct.

Scott Green: In a not dissimilar view to Michael's, anything that gives clarity around the requirements of those making the licensing decisions regarding agents of change would be welcomed by the service for two reasons. First, the impact on those two groups, both those affected by any noise from a licensed premises and the licensed premises itself in those circumstances, perhaps where the planning considerations have not been given in that level of detail, impacts on the communities that are affected by it. From the police's perspective, we then see those emerging tensions in communities.

Secondly, from the police's perspective, irrespective of whether some of those issues may be better dealt with by local authority colleagues, it is often front-line police officers and the impact on our resources that are drawn into those disputes. From our perspective, anything that gives clarity around that planning process that allows those considerations to be made in detail before it results in those obvious disputes that Michael refers to is very welcome.

Lord Foster of Bath: That clarity, you are suggesting, needs to be in legislation and not just in guidance.

Scott Green: From our perspective, whether it is in legislation or guidance, anything that tightens it up would be welcome. Legislation may well be the place for that, so that those considerations take place before the issues emerge between the differing groups that draw communities into conflict with each other and therefore require, sometimes, a policing response.

Kate Nicholls: I agree with the previous two witnesses. It would be helpful to have this put into legislation. It is a good first step to have it introduced into the National Planning Policy Framework, but it is a very vague requirement in that policy framework. Policy can only be indicative and is only one of the policy drivers that needs to be taken into account. That broad reference of being careful of the business without any specific detail or a national framework about how to deliver that in practice and implement it robustly means that it is lacking.

I agree with previous witnesses that it should be put into legislation. That would give more structure, clarity and certainty, which are particularly important as we move forward into regeneration of town and city centres with mixed-use developments and the changes to permitted development rights. Having it in legislation means that you have clarity about how it could be implemented. You can then put in place really robust guidance, and it needs to be much more robust than we have at the moment, as to how to implement it and considerations to be taken into account.

On the second point about licensing guidance, it is helpful to have that message amplified in the licensing guidance, the Section 182 guidance, and to include it in training for licensing officers and councillors who are looking at that, so that they are aware of it. Currently, the agent of change principle applies only to new developments. You have ongoing issues where new residents are moving into an existing house or flat alongside business premises that have been there for a long time. There, it is helpful to have additional guidance both in planning and in licensing to make sure that you take account of existing developments and not just new developments.

Q12 **Lord Blair of Boughton:** Scott, it would be fair to say that licensing has been a slightly neglected part of policing for quite a long time. Most of the officers involved we call officers but are usually retired officers and so on. What progress has been made regarding the training available for those operating in the night-time economy? That is not only police

licensing officers but also police officers on the beat.

Scott Green: To answer the first part of the question specifically in terms of licensing officers, colleagues in the Metropolitan Police, on my behalf, have developed a significant training programme in conjunction with the Institute of Licensing to train all the licensing officers across the country. We were in a position to roll it out, and then the pandemic put a pause to that. As a moderately new national lead for it, I would like to bring the College of Policing closer to that work and use the expertise of the Institute of Licensing but in a manner that is delivered by the College of Policing, so that we have central control over a mandate for colleagues across the country to be trained and some centralised sponsorship of it.

We are in the early stages of bringing that together as we exit the pandemic completely, so I am confident that, in the future, I would be able to come back and give you a very detailed update in relation to a national product designed by experts, overseen by the College of Policing and rolled out to all licensing officers across the country. That gives a consistent benchmark that will then sit alongside the local interpretation by local chief constables and local authorities but would give colleagues in the industry some more consistency in our approach to licensing.

Across the country, as part of our national uplift of officers and the significant number of new recruits coming into policing, the policing of the night-time economy, along with licensing considerations, forms part of the training in a way that it perhaps did not at a much earlier date. A lot of the focus of that is on the legislation that sits outside of licensing because it is very rare for us, the police service, to prosecute somebody under the Licensing Act. We tend to prosecute for the things that sit around that. We may often use powers in the licensing legislation and others to close premises, but the totality of that training means that our front-line staff and officers now are much more skilled and knowledgeable in the licensing arena than they were before.

I would acknowledge that the missing gap is still that training in licensing officers who hold that expertise. There is no doubt that those colleagues, wherever they sit across the country, are genuine experts. A lot of them are civilian staff colleagues, not police officers, and tend to hold those roles for a long time, hence the expertise. What is still missing is that level of consistency, but I am confident that the work we have under way with the Institute of Licensing and the College of Policing, bringing that together, will allow us a consistent platform and training across all the police colleagues who work in that environment.

Lord Blair of Boughton: Thank you. That is really helpful.

Michael Kill: I am warmed to hear of the work that is going on, which I am aware of, with regard to training licensed police officers et cetera; that is really positive to hear. There are several challenges that I want to address and bring up. There is, without a doubt, a struggle. We have seen this off the back of the challenge of drink spiking in particular, which we have seen resonate, with increased reports over the last six months.

The consistency of approach is also a challenge, not only from a national base but in bringing industry key stakeholders and authorities together, so that we can collectively adopt a training strategy that brings together all the key components and we are all standing on one solid ground as we move forward, encompassing everything there. The collective approach to the challenges that we have and the fact that we seem to be very reactive rather than proactive in our response to them is a hangover, I feel, in the industry. I am pleased to hear that things are developing, and, as you can appreciate, over the last two years, there has been somewhat of a void, so the re-engagement of this will be very positive.

As was quite rightly said, there are some challenges with regard to training and consistent decision-making on licensing in particular. Those challenges where identical applications are presented in different areas and result in different outcomes create some real issues for our sector as a whole. The most important thing that needs to be included in the training, which is lacking from an educational perspective, is the understanding of our sector, the late night economy and cultural sector, as a whole. Training licensing officers is vital. I see the benefits, and I am keen to see the progression. In terms of the inclusion, I would like to see an understanding of our sector as a whole and the diversity in it, the economic, cultural and community values that we represent and not just the crime stats.

A big piece of this that is becoming more prominent is due regard for the public sector equality duty, which I believe will be an important factor as we move forward over the coming years. They are my only points at the moment, and thank you for the opportunity.

Kate Nicholls: In the interests of time, I will not echo everything that Michael said. I support entirely what he said. One of the key things that came out of the committee's report was the need to professionalise licensing, both at an officer level in the police and in local authorities. I know you have dealt with the local authority part before. We have been working with the IOL and College of Policing during the pandemic to look at that training. It is really heartening to hear about the approaches being developed. We very much welcome that approach. That consistency of a clear national approach, not just for the licensing officers in the police but for the colleagues on the beat, to make sure that you have the experts being trained and the experts training their colleagues, is really helpful. We are very pleased to have had that three-way stakeholder engagement with the engagement of the trade in that.

Just to add to Michael's point, we need to make sure we have a Covid reset moment on all this on training. The industry is emerging from two years of a devastating pandemic, where it was hit hardest and hit longest. That has had a very damaging effect, which will last for at least two more years, particularly for the late night side of the economy coming out of this. The awareness of that needs to be built into the training so we understand the fragility of the businesses and communities in which they sit, and we take account of that as we move forward.

While we have had a Covid pause, we have also had a pause on up-to-date data, intelligence and ways of working, and there are lots of things that have accelerated and changed beyond all recognition through the pandemic—the way customers go out, the way they socialise, the time they come out and the services they are looking for. It is really important that we have that up-to-date data and information to make meaningful decisions, particularly when we are looking at things such as cumulative impact policies and late night levies, where the police evidence will be really important. We need to make sure that the training encompasses all that so that we can have licensing policies and decisions that support this really important sector, culturally, economically and socially, as we come out of the pandemic.

Q13 **Baroness Henig:** Good afternoon, all. When we did our inquiry, there were a number of measures at that time being developed to support and promote the night-time economy. I am thinking from the Government's point of view of local alcohol action areas and local authorities pushing night-time tsars. That was all ongoing and then, of course, Covid hit. Kate is absolutely right to say we need a Covid reset moment. Are the right tools now in place to enable the night-time economy to create a safe environment in which businesses can prosper?

Kate Nicholls: The industry has been really proactive during the time of Covid in working to make sure that we have policies in place at an industry level, drawing on the expertise of our local authority and police colleagues, and good, robust schemes such as Best Bar None, Purple Flag and business improvement districts that are looking at those kinds of areas. I would also pick out the Ask for Angela campaign that is being refreshed to make sure that you have safety training and advice for guidance for venues, for women and vulnerable people. There are the Safer Sounds Partnership and the Women's Night Safety Charter in London as well. There are a lot of initiatives taking place, and a lot of tools of which the industry is supportive.

This was the message we gave the last time the committee looked at this: "These are the national programmes that the industry has helped to develop, that we know make a difference and have a meaningful impact, and they are the ones we would like to prioritise". Crucially, they mean that the industry is part of the solution and is part of developing the solution. We need to look again, post Covid, at whether it is right to still have cumulative impact policies in place when we have lost 10% of our licenced premises and 20% when we are looking at town and city centres. Do we need to make sure that those are refreshed, the evidence basis for those are looked at again and there is a requirement to have that as almost a de facto obligation for anybody who has a CIP in place? It is the same with the late night levy.

I would go back to the policy recommendation that the committee made before that perhaps the late night levy and EMRO—early morning restriction orders—legislation should be repealed, so that we go back to looking at a permissive approach towards licensing, encouraging regeneration, rather than a top-down control that is seen very narrowly

through the prism of alcohol-related crime and disorder, important though that is.

Michael Kill: Kate has covered most of the points there. Without a doubt, as you can appreciate, people are still getting used to being open to some degree and not having to manage the intensity of public health policy, guidelines or strategy moving forward. We have seen some fantastic initiatives from the sector, collectively working with the local authorities and police, and especially through the Home Office. The safety of women at night fund has developed some amazing initiatives, which I think are going to go a long way to ensuring that there is a very clear positive safe environment out there for people. We are seeing many of those happening up and down the country as we speak, alongside initiatives on vulnerability, safe spaces and inclusion.

The other element is the part that the industry plays in regeneration and respacing, the development of the high street and drawing in new custom. They have a huge part to play. You mentioned the night-time economy advisers and night tsars, as we say, or night mayors, which is the phrase coined internationally. The NTIA has been working very closely with key towns and cities across the country to establish representation and expertise through night-time economy advisers and commissions, so that we can support and guide the sector and give key decision-makers some really important information as we move forward.

It is vital to recognise the work of Sacha Lord, Carly Heath and Amy Lamé of Greater Manchester, Bristol and London in substantiating the importance of the industry, not only for the physical, mental and social well-being of the consumers through regeneration and recovery but also through keeping the industry on the agenda. I will draw to a close there in acknowledgement of the short period.

Scott Green: I would agree with the two previous speakers about the national initiatives that the industry have supported, so Purple Flag, Best Bar None, Ask for Angela, business improvement districts and so on. Put that into the context that one of my colleagues, Maggie Blyth, the deputy chief constable, is now our national lead for violence against women and girls. One of the strands of that is to create safer places. If I, as the national lead for alcohol, in support of her, want to work with the industry to create national safer spaces, one gap from the police service's perspective is that there is no one all-seeing eye, so there is no one overarching umbrella that pulls together those initiatives. Some of those initiatives operate across a local authority; some local authorities have only a couple of them operating. The picture is blurry across the country.

That is not to devalue any of them because, in their own right, each of them adds real value to the night-time economy, local authority and police colleagues. Sometimes, the co-ordination of them all and the overlap of them, both nationally and on the local level, is a gap.

Q14 **Baroness Coussins:** Perhaps I could first declare my interest as a former chief executive of the Portman Group between 1996 and 2006.

Witnesses will know that our original committee report was not exactly positive about the late-night levy. The Government agreed with us that there was room for improvement, and yet those improvements, which are to come through the Policing and Crime Act, such as better targeting and more transparency about how the resources from the levy are used, have still not come into force.

In the meantime, I would like to ask you how effective you believe the late night levy, as it still is, has been. Are there are other mechanisms such as the business improvement districts or the voluntary industry initiatives, some of which you have referred to, such as Best Bar None, which I think is the most longstanding industry initiative, that are at least as effective as, or more effective than, the late night levy and better placed to support the night-time economy?

Kate Nicholls: It is worth noting that, in the government response to the committee's report, they said that there would be a five-year review of the Police and Crime Act 2017. We are almost coming up to that five-year review and most of those provisions have not been implemented as part of it. My view remains unchanged from 2017. The late night levy is not an effectively targeted mechanism. It becomes an additional tax on doing business, and the Covid pandemic has highlighted how inflexible it is where businesses that were closed for the vast majority of two years still had to pay the late night levy because, for one or two nights a year, they were opening later than the provision said. Once it was in place, it was impossible to get it postponed or dropped.

The committee had the recommendation correct. The late night levy should be repealed, along with the early morning restriction orders. A much better, more effective, targeted approach is through the business improvement districts, where businesses are part of the development of the solutions and, therefore, you can really effectively target it at those areas of greatest concern and the needs that the local community and the local town centre have, to make sure that the town centre and public spaces are safe, clean and adequately protected. We would prefer to see that through business improvement districts.

Michael Kill: I would concur with Kate. We agree. We would uphold the position that was undertaken by the committee. From an industry perspective, the feedback we are getting is that they are seeing this as an unjustified additional cost. Many businesses do not see the physical benefit for that additional cost, and they have some challenges with regard to transparency and spend, but also the flexibility, as was addressed by Kate.

On the business improvement districts, there are some fantastic BIDs across the country. The challenge that we face, particularly for the late night economy, is about how they support those types of businesses in particular, so there is work that needs to be done, particularly for the late night sector, not so much the core of hospitality. A very considered approach is needed, given that they have such a broad spread of inclusion in terms of their remit. It would be really important to ensure

that there is a strong support mechanism and an identified mechanism of support for bids if we are to come out of the late night levy position.

Baroness Coussins: What is the perspective of the police?

Scott Green: It is right and proper that Michael and Kate have answered from the industry's perspective. From the police's perspective, the late night levy is funded to police and crime commissioners or, in a mayoral model, to the mayors. It is a matter for them how they choose to spend it, so the impact, operationally, depends on each individual force and the police and crime commissioner or mayor in that force. One thing that we might want to consider going forward is the consistency of how the money is spent.

Q15 **Baroness McIntosh of Pickering:** We have just one question left in this session, which is probably mostly of interest to the hospitality association, and it relates to minimum unit pricing and taxation. We came out with quite a positive recommendation that, if the evidence from Scotland in particular was positive, the Government should commit to following it. I wondered, Kate, whether there has been discussion in the industry on the impact of minimum unit pricing in Scotland, whether you believe that, in the industry, this is an effective way of limiting excessive alcohol consumption, and whether you believe that alcohol duty could be as effective a means of achieving the same ends as are sought through MUP of limiting excessive alcohol consumption.

Kate Nicholls: We have been carefully monitoring the situation in Scotland. Given that, over the pandemic, Scotland closed its licensed hospitality businesses for much longer periods than the rest of the country, it is difficult to assess with any accuracy what the impact has been because more people are buying it to drink at home. However, recent studies from Scotland suggested that, in hospital emergency departments, there was no evidence of a beneficial impact of minimum unit pricing on hospitalisations. Drinkers and stakeholders largely reported not noticing any change in price or consumption, so we are not seeing any evidence from Scotland at the moment.

With that caveat that consumption patterns will be disrupted as a result of Covid, there does not appear to be evidence emerging from Scotland to suggest that MUP is a beneficial tool to be able to impact health policy. Therefore, we would continue to oppose its introduction. Obviously, we have the below-duty, below-VAT requirements in England, which provide a floor below which it must not fall.

The Government's recent policy announcement and consultation on the potential for differential duties, so a higher rate of duty to be paid in a supermarket for off-licence consumption versus a lower rate of draught beer duty, in particular, for consumption in a regulated licensed environment where the people serving it and the premises from which it is served are regulated, licensed and inspected regularly, provide an alternative route to promoting responsible consumption in a responsible

environment, but we do not see that there is a benefit accruing as a result of MUP being introduced.

Baroness McIntosh of Pickering: I am very grateful. I do not know if there was anything especially that Michael Kill or the assistant chief constable would add on that.

Michael Kill: Can I add two points to this, just to clarify? The HMT duty restructure will have a direct impact on late night economy businesses, particularly because the sales mix is broadly drawn towards spirits where the ABV is higher. We are also seeing a direct change in customer behaviour where the industry is moving away from discount policies and where consumer brand calling and the intelligence with regard to selection of drinks is not cost restrictive, so we are seeing a natural change in that position that possibly needs to be considered.

Baroness McIntosh of Pickering: That is very helpful. Thank you.

Scott Green: The only thing from the police service's perspective is to keep under review the findings from Scotland on the impacts on domestic abuse in households and, therefore, the impact on crime and disorder in public spaces. If there are emerging findings in those areas, we would be able to give a more informed view.

Baroness McIntosh of Pickering: May I thank this group of witnesses? You have been especially helpful. Thank you very much indeed.

The Chair: Thank you very much indeed.