

Re-Balancing the Licensing Act

Response from the Institute of Alcohol Studies

IAS fully supports the Government's wish to re-balance the Licensing Act in favour of local communities, and hence are broadly in favour of the specific proposals contained in the Consultation Document.

We opposed the previous Administration's plans for licensing reform precisely on the grounds that they constituted an un-balanced approach to the issues involved, and while the legislation was, it is true, improved during its progress through Parliament, it still retains the unhelpful imprint of its origins.

The original concept of Labour's new Licensing Act was essentially that of a conflict-resolution mechanism between individual licensees or applicants for licences on the one side, and individual objectors on the other. While the objectives were later broadened in response to political pressure, the original concept was never abandoned and this ensured that the legislation would be ill-suited to achieve what was then stated to be its main objective – the better management of the night-time economy. Indeed, and as we attempted to explain at the time, on one occasion in a face to face meeting with the then Licensing Minister, the original concept of the new Act was the exact opposite of what was actually required. Whereas the better management of the night-time economy requires an approach which is holistic, proactive and policy-led, the new Act, by focusing almost exclusively on what occurred in individual premises, was by its nature a reactive, complaint –led system which actually put obstacles in the way of an holistic approach and also in the way of community involvement in licensing decisions. For example, it placed an arbitrary and artificial restriction on which members of the community are allowed to make representations in regard to licensing decisions. It is unnecessary to comment on the silliest claim made for the new legislation, that it would transform the drinking culture of England and Wales into a binge drinking-free, Mediterranean-style continental café culture.

IAS is a member of two networks, both of which have responded to the Consultation Document. These are Open All Hours? and the Alcohol Health Alliance. As we are broadly in support of these organisations'

responses, there is no need to repeat them. Where the two organisations differ in respect of their answers to specific questions, we endorse the responses by Open All Hours?

AMN August 31, 2010