

Proposed changes to the liquor licensing legislation to streamline licence transfer procedure

1.0 We have no objection to such streamlining so long as this does not reduce needed protection not only to the general public and the customers of licensed premises but also those who are employed in them. Here, our main concerns relate to the number of interim licences that can be held by an individual, the criteria of eligibility and the procedures by which the courts determine whether or not these criteria have been met. We also comment on licensing fees.

2.0 The Number of Named Licensees

We have no objection to the proposed change to allow more than one person to be named on a licence, for example a married couple who run a freehouse together. However, we are concerned at the prospect of, say, area managers of a brewing company becoming multiple licensees. While this arrangement could be a convenient one in some respects, (for example, deputisation in case of emergencies) it carries the risk of the quality of supervision and control of licensed premises being diluted.

In our view, because of their nature, licensed premises require a responsible person to be on site and in day to day control, and this requirement might be weakened in the event of the same individual being named on an excessive number of licences, including interim licences. The need for proper supervision and control is indeed being increased by current developments such as the admission of children to bars and apprentices working in bars.

We recommend therefore that there should be a limit to the number of licences on which an individual can be named who is not normally on site and who is thus not directly involved in the day to day management of the premises.

Recognising that any maximum number must be to some degree arbitrary, our proposal is for an individual to be named as the second or third licensee on a maximum of three licences for on-licensed premises at any one time. We recognise that the need for supervision and control is less in relation to off-licensed premises and here we propose a maximum of six licences.

A related concern is that where there are a number of named licensees, the law should be clear that in the event of some serious infringement, such as repeated selling to the underage, then all those named on the licence will be answerable to the justices.

3.0 The Maximum Number of Interim Licences

Paragraph 8 of the Consultation Paper states that many companies would prefer to deal with an unexpected vacancy by appointing, for example, an area manager to take responsibility for the premises until a replacement can be appointed. We do not regard this proposal as in any way unreasonable: again, our concern is with the implications of an area manager taking responsibility for an excessive number of premises such that there is inadequate control.

Recognising that any proposed maximum number of interim licences must be to some degree arbitrary, our proposal is for a maximum of four interim licences for on-licensed premises at any one time. We recognise that the need for supervision and control is less in relation to off-licensed premises and here we propose a maximum of eight interim licences.

4.0 Attendance at Court

We are somewhat concerned at the prospect of interim licences being granted administratively with no requirement for attendance at court provided the applicant is a current or recent licensee and of good character, especially as the definition of 'recent' appears to be within the last three years (Paragraph 14 C (iii)). This seems to us to be too long a period, and would prefer it to be reduced to 18 months.

We are puzzled by the procedure envisaged for dealing with cases in which appearance at court is required. The Consultation Paper states (Paragraph 14C(iv) that where a court appearance is required, this could be before an individual justice without having to wait until the next available licensing sessions. We have no objection to this, but do not see how having to wait for licensing sessions arises, as our understanding is that such applications can already be dealt with by an ordinary magistrate who is not required to be a licensing justice.

Where it is a matter of licences and transfers being granted administratively, we can see no objection to Clerks processing applications so long as it is within guidelines laid down by the Licensing Committee. We are confident that Clerks have the expertise

to recognise which cases should be brought to the Licensing Committee for consideration.

5.0 Training

In our view, some of the issues raised by the Consultation Paper, such as criteria of eligibility for interim licences, would be eased by a move towards formal training and certification of licensees, as recommended by numerous bodies over many years, since first recommended by the Erroll Committee. We hope the Government will give serious consideration to this issue.

6.0 Licensing Fees

We also hope that the Government will give consideration to the question of licensing fees. Our understanding is that the fee for the grant of a new liquor licence (including provisional grant) is £12.50, and other fees are similarly low. Taking into account the burden placed on the courts, it is possible that such fees do not cover the administrative costs, and they certainly appear to be out of line with fees charged in other areas. For example, the fee for the registration for use of a gaming machine in Clubs and Miners' Welfare Institutes is £100, and the fee for the grant of a bingo licence is £2,640. We hope that the Government will give further consideration to the rationale for the existing fees, and accept and promote the principle that they should be sufficiently high for the ordinary taxpayer not to be required to, in effect, subsidise those applying for liquor licences.