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OFFICIAL REPORT

Sixth Delegated Legislation Committee

ALCOHOL LICENSING (CORONAVIRUS) (REGULATORY EASEMENTS) (AMENDMENT) REGULATIONS 2023

Wednesday 15 November 2023

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The Committee consisted of the following Members:

Chair: JULIE ELLIOTT

† Bradshaw, Mr Ben (*Exeter*) (Lab)
 † Clarke-Smith, Brendan (*Bassetlaw*) (Con)
 Ellis, Sir Michael (*Northampton North*) (Con)
 † Fabricant, Michael (*Lichfield*) (Con)
 † Farris, Laura (*Parliamentary Under-Secretary of State for the Home Department*)
 † Fletcher, Colleen (*Coventry North East*) (Lab)
 Lewell-Buck, Mrs Emma (*South Shields*) (Lab)
 † Liddell-Grainger, Mr Ian (*Bridgwater and West Somerset*) (Con)
 Mahmood, Mr Khalid (*Birmingham, Perry Barr*) (Lab)

† Mann, Scott (*Lord Commissioner of His Majesty's Treasury*)
 † Nici, Lia (*Great Grimsby*) (Con)
 † Norris, Alex (*Nottingham North*) (Lab/Co-op)
 † Pawsey, Mark (*Rugby*) (Con)
 † Russell-Moyle, Lloyd (*Brighton, Kemptown*) (Lab/Co-op)
 † Smith, Henry (*Crawley*) (Con)
 † Sunderland, James (*Bracknell*) (Con)
 Yasin, Mohammad (*Bedford*) (Lab)
 George James, *Committee Clerk*
 † **attended the Committee**

Sixth Delegated Legislation Committee

Wednesday 15 November 2023

[JULIE ELLIOTT *in the Chair*]

Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2023

2.30 pm

The Chair: I call Laura Farris to move her first motion as a Minister.

The Parliamentary Under-Secretary of State for the Home Department (Laura Farris): I beg to move,

That the Committee has considered the Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2023 (S.I., 2023, No. 990).

It is a pleasure to serve under your chairwomanship, Ms Elliott. This is a relatively modest instrument, which was laid before the House on 11 September 2023. As all hon. Members will appreciate, the hospitality sector continues to face significant economic headwinds in the aftermath of the covid-19 pandemic. In recognition of that, the regulations will ensure that the Government continue to support such businesses by extending the temporary provisions set out in the Business and Planning Act 2020 for a further 18 months.

I will begin by providing hon. Members will a bit of background. The Licensing Act 2003 enables licences to be granted to sell alcohol for consumption on site or off site, or both. In the event that a business obtains an on-sales-only licence and subsequently wishes to also do off-sales, the business is required to make an additional application to the licensing authority for a variation that would add off-sales to its licence.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): I am very supportive of the regulations and wish they were being made permanent, instead of us having to come back here in 18 months. Does the Minister agree that one of the big problems with people going back and seeking waivers in their licence is that many licensing authorities incorrectly treat it as a bartering game? They will say, "If you want to be able to do off-sales, what else are you going to give us? Will you shut a bit early or have extra restrictions?" That kind of bartering game is not good for business, and I hope she will make it clear from the Front Bench that it is unacceptable when local authorities do that.

Laura Farris: I am grateful to the hon. Member for raising that. I was not aware of it.

Lloyd Russell-Moyle: I am happy to write to the Minister with some examples.

Laura Farris: I would be grateful if he did so. I can certainly discuss it with my ministerial colleagues, because it sounds like something that might warrant a response.

In response to the covid pandemic, the Business and Planning Act 2020 included a temporary provision that automatically entitled holders of licences that covered

on-sales to make off-sales without any need to amend their licences, saving them time and money at a desperate moment. That provision meant that pubs and restaurants could make alcohol on-sales, and that pavement licences were provided for any outdoor facilities they had. This was facilitated by a parallel but independent easement to pavement licensing, which created a temporary streamlined process. The Levelling-up and Regeneration Act 2023 made the change to pavement licensing permanent.

It is believed that the off-sales provision has benefited at least 30,000 licensed premises in England and Wales that previously did not have an off-sales licence. The provision was due to expire at the end of September 2023, but given the clear benefits that it brings to businesses, it has been extended until 31 March 2025. This ensures that businesses will be able to continue to benefit from the provisions for a further 18 months.

Let me make it clear that although the immediate covid-19 crisis has passed, the residual effects continue to have significant impacts, particularly in the hospitality sector, which was acutely affected, and many businesses continue to manage high levels of debt. It is believed that the regulations are an appropriate mitigation to help businesses with the residual effects of covid-19.

During the next 18 months, the Government will explore the creation of a unified pavement licence that includes the consumption and sale of alcohol in outside pavement areas. We want to reduce the administrative burden faced by cafés, pubs and restaurants, which currently have to apply for multiple consents from their council, and I reassure hon. Members that that work is already under way.

I would like to pre-empt a concern that may be raised by making it clear that the Government have consulted the National Police Chiefs' Council about the impact of extending the temporary off-sales permission. The view of the police is that the extension of off-sales licences has not caused any clearly identifiable increase in crime and disorder. As Members may know, another regulatory easement set out in the BPA temporarily increased the annual number of temporary event notices that licensed premises could have from 15 to 20 and increased the maximum number of days on which temporary events could be held from 21 to 26 days a year. For the avoidance of doubt, that easement will not be extended. It was underutilised, and it is not necessary to extend this provision, so it will lapse on 31 December.

I am confident that the measures in this statutory instrument will continue to benefit a wide range of businesses, including pubs and restaurants, and for that reason, I hope that it will receive the Committee's support. I commend these regulations to the Committee.

2.35 pm

Alex Norris (Nottingham North) (Lab/Co-op): It is a pleasure to serve with you in the Chair, Ms Elliott. I welcome the Minister to her position. I know that she will bring her characteristic thoughtfulness to her work. The Home Department and the shadow Home Office team have been known to occasionally disagree, but I am sure we can disagree well when we do so.

The Opposition do not intend to stand in the way of this instrument, so I will keep my remarks brief. We support it, and we support efforts to assist the hospitality sector through the aftermath of the pandemic, the

effects of which, as the Minister said, are still being felt. The hospitality industry in particular is hampered by the cost of living crisis at the moment, as disposable incomes are pared back, so the more support we can give, the better.

This is a reasonable accommodation to be made for business, and it strikes an appropriate balance between business and the community, but I hope this is the last time we extend these provisions in this way. It was heartening to see in the explanatory notes that there is a proper new unified licensing regime coming. That needs to be drafted, consulted on and put before Parliament, so that we can do our best by our constituents and perhaps iron out the issues that my hon. Friend the Member for Brighton, Kemptown raised and those that came out of the consultation.

I hope the Minister will expand on the commitment she has made. As I say, it is heartening to hear that this work is under way. The extension in this instrument lasts until March 2025, which takes us past the latest possible date for a general election. I would welcome some clarity as to whether we can expect the new regime in this parliamentary Session, before a general election, so that we do not have to do this again in March 2025 on an emergency basis, because we do not yet have a new regime to discuss.

There are concerns about the provisions in this legislation that need to be addressed by a unified regime. As the noble Lord Coaker said when the instrument was debated in the other place, the explanatory memorandum shows that the consultation responses were not, it is safe to say, supportive of this measure. There were 174 responses, which is not a huge number, but two thirds of those who replied wanted to return to the pre-covid provisions of the Licensing Act 2003. Slightly less—63%—opposed making the provision relating to temporary event notices permanent, but as the Minister says, that will be discontinued, which is welcome. Given that it has not been used, it is right to turn that provision off.

The Government spokesperson in the other place said that the reason for the Government going against the consultation was that, broadly speaking, the support was from the industry, with the opposition mainly centred on local residents and licensing concerns, and that, having viewed the consultation results, the Government opted to give more weight to the industry and continue the easements. I hope the Minister will expand on that. We are sent here to make such judgments based on evidence and to weigh up a variety of factors, and it is reasonable to sometimes act against a consultation, especially when I suspect that many of these concerns could be better addressed through local action under the current regime, or certainly under a broader, unified regime. However, it would be helpful if the Minister confirmed that that was the nature of those disagreements.

Notwithstanding what the Minister said about the National Police Chiefs' Council, it would be helpful to know which representative bodies opposed and which supported this measure. I would be particularly interested to hear what the police and those who speak for local government said.

Another element of the consultation outcome related to crime and antisocial behaviour as a result of these easements. Happily, a majority—two thirds—of respondents said that they had not seen a change in crime and antisocial behaviour, but a significant minority of one third had. Again, I would be keen to hear from the

Minister what assessment the Home Department has made of this, whether the impact of antisocial behaviour came up in those conversations with the National Police Chief's Council, and what mitigations might be needed. We know that police forces and police officers are doing an amazing job all day, every day, and we would not want to make that harder, because we know that they are thinly stretched.

I have given the Minister a lot to address, and I hope she is able to do so. We will not oppose these measures, but it is time to move from this sticking plaster approach to a proper scheme that the public can buy into.

2.40 pm

Lia Nici (Great Grimsby) (Con): I wholeheartedly support the Minister and the Government's initiatives to make sure that we balance supporting the hospitality sector through these difficult times against addressing concerns about antisocial behaviour and public order.

I also remind the Minister, when she has discussions about this back in the Department, that anything proposed to go on the pavement can have a detrimental impact on those with sight loss, visual impairment, and other types of disability that make accessing and getting around areas such as town centres difficult. I know that this is a cross-departmental issue, so will she please ensure that officials, civil servants and other Ministers also understand that these decisions can have an impact on wider society that might not always be beneficial? We want to make sure we can balance that for everybody in society.

2.41 pm

Laura Farris: I am grateful to the shadow Minister for his warm words. He raised three interesting points. First, he referred to the responses to the consultation. The breakdown shows that two thirds of respondents were opposed to making the arrangements permanent, while 35%, a third, were in favour. That breakdown was divided roughly between the licenced premises themselves, and residents, residents' associations, and so on. I tend to concur with him that this seems to be a matter which could be resolved best by individual police forces, perhaps in conjunction with the National Police Chief's Council.

On the long-term plan, I have already said that it is the Government's intention that this will be made permanent in some form or another. The Home Office is already working on a permanent solution, in conjunction with the Department for Levelling Up, Housing and Communities. Although the regulations concern a separate issue, it is anticipated that the long-term solution will be worked through in the coming months and will carry over between Parliaments, irrespective of when a general election comes.

The shadow Minister was quite right to raise the issue of antisocial behaviour. Again, there is a tension here, because although we are united in wanting to help the hospitality sector, we must be cognisant of the potential increase in antisocial behaviour. I thank my hon. Friend the Member for Great Grimsby for quite properly raising the impact of things like this on disabled members of the public, who, frankly, often end up the victims of unexpected obstacles, because people do not give proper, adequate thought to them. She has given me food for thought, which I will take back to the Home Office.

Lloyd Russell-Moyle: On antisocial behaviour, sometimes the problem is that the police do not have the resources to manage legitimate crowds and groups of people leaving bars and venues, and therefore they object to licences being granted or extended. Clearly, that is unfair on the business owners, who might not be producing any more noise or disturbance for local residents, but the police fear, because of a decade of underfunding, that they are unable to pound the streets at night. Could advice be provided to police forces and local authorities to ensure we get the balance right? In our local authority, the police objected to a licence for Soho House because they said they were worried that the punters leaving at 2 o'clock in the morning might be an antisocial behaviour risk. I know Soho House members are creatives, but they are not usually known for their antisocial behaviour.

Laura Farris: I thank the hon. Gentleman for making that point. I disagree with him slightly, as we have increased police numbers by 20,000 since I was elected in 2019, and I do not think the common complaint of

local police forces at the moment is that they are underfunded, but he alights on an important point with his example of Soho House. In whatever local authority or policing area, there will be distinct considerations. It is probably true that if the police are not embedded in any extension of licencing arrangements, there is a risk of antisocial behaviour, so the long-term solution must plainly be directed at that.

Overall, the reality is that the hospitality sector emerged from the pandemic with £10 billion-worth of covid-related debt, and every MP has heard directly about the pressure that has put on it. Sometimes, in the worst cases, it has led to closures, so I am very pleased that the Committee seems to be united in wanting to do everything it can to support this sector while we work to put a long-term solution in place. I commend the regulations to the Committee.

Question put and agreed to.

2.45 pm

Committee rose.