

**The Licensing (Scotland) Bill
A Consultation on Liquor Licensing**



**CAMPAIGN
FOR
REAL ALE**

**A Response from CAMRA, The
Campaign for Real Ale.**

September 2004

1.0 Summary

- 1.1 We support the replacement of permitted hours with a more relaxed approach aimed at leading to varied closing times.
- 1.2 Mandatory national conditions should only be introduced where absolutely necessary.
- 1.3 Local fora should be placed on a statutory footing with consumer representatives, including representatives from CAMRA where available.
- 1.4 We support mandatory training for Board members to achieve a greater consistency in decisions and Board procedures.
- 1.5 We welcome the proposed abolition of statutory permitted hours and support a system where each premises is able to apply for individual permitted opening times.
- 1.6 We believe that irresponsible promotions are those that can be shown to encourage people to drink faster, and to drink more, than they would do otherwise.

2.0 The National Policy Framework

- 2.1 We support the view that local discretion and flexibility should be balanced by a national framework within which Boards must operate. This approach offers an important degree of certainty for business and will ensure that consumers' freedom to relax and enjoy a drink is not unduly restrained.
- 2.2 However we remain opposed to setting mandatory national conditions, except in a few limited areas such as access by children and no-proof of age no-sale. We object to an extensive set of mandatory national conditions for the following reasons:
- **Necessity.** Boards should be given the responsibility for implementing statutory ministerial guidance by being able to implement locally adopted conditions.
 - **Suitability.** Many mandatory national conditions will simply not be appropriate for all licensed premises.
- 2.3 Our view is that a city centre theme bar will need far stricter licensing conditions than a small well-run community public house. Mandatory national conditions risk creating a situation where a large city centre bar is under regulated and a small well-run community public house is over regulated. We are therefore concerned at the idea that the right of Boards to impose additional conditions in certain areas could be removed. The consequence of this would be an upward pressure on the mandatory national conditions from Boards in areas where they were unable to introduce additional local conditions.
- 2.4 Where mandatory national conditions are introduced we believe that they should be at the level of the lowest common denominator. Where necessary, Boards should be expected to impose additional local conditions.
- 2.5 We would however support a pool of national conditions from which Boards could select as necessary. This approach would help spread best practice by providing Boards with a pool of practical and workable conditions.
- 2.6 We agree that any mandatory national conditions, which are proposed, should be on the face of the Bill to ensure proper parliamentary scrutiny.

3.0 Licensing Boards

- 3.1 We strongly support the setting up of local fora and agree that they should be given a statutory basis. We would wish local fora to represent consumers as well as business and residents' groups. Local CAMRA representatives would be well placed to represent local consumers. We would also support suitable individuals being able to apply for membership of the local fora.
- 3.2 We believe that local preservation groups may express an interest in being represented on local fora in some areas. The expertise of these groups would be invaluable when dealing with alterations to either listed public houses or public houses with historic character.
- 3.3 We support the conclusion that Local Authorities should be able to hold Premises Licences in their own names. City, town and village halls plus other Local Authority owned buildings are invaluable community resources. Indeed, a number of Scottish CAMRA beer festivals are held in Local Authority controlled buildings.
- 3.4 Local fora should have the right to make formal recommendations to the Boards. Where the Board chooses not to accept such recommendations we believe that they must publish detailed reasons as to why the Local Forum recommendations have been rejected.

4.0 Licences

- 4.1 We believe statutory guidance for late opening premises to be preferable to mandatory national conditions. The use of statutory guidance would have the following benefits:
- **Flexibility.** It would be easier to alter statutory guidance as circumstances change.
 - **Differentiation.** It would be much easier to differentiate between different types of licensed businesses through the use of statutory guidance.
 - **Local Solutions.** The use of statutory guidance would allow local Boards a degree of discretion as to the best means of implementing national statutory guidance.
- 4.2 We would urge a flexible approach to opening hours and suggest that premises should only be considered late opening after Midnight. We believe that this would allow real differentiation between smaller community run public houses, that are unlikely to be late opening, and large city centre bars likely to open beyond Midnight
- 4.3 We would urge closer co-operation between planning and licensing regimes at a local level. As a minimum we believe the necessary planning and building control certificates should accompany applications. Where necessary to promote the licensing objectives, Boards should be able to impose additional conditions.
- 4.4 We highlight the importance of Occasional Permissions and Licences to CAMRA in enabling us to run our smaller beer festivals in Scotland. These festivals are run by CAMRA's volunteer local branches and help promote small local brewers, local heritage and tourism.
- 4.5 Introducing a requirement for a Personal Licence holder to accompany every Occasional Permission application would, in our view, be problematic for volunteer organisations in terms of both cost and timing. We believe an acceptable alternative would be for an Occasional Permission applicant to demonstrate some previous experience of running a licensed event.
- 4.6 We disagree with the proposal that Licensing Boards should be required to actively assess overprovision with the results reflected in their policy statement. Our view is that overprovision is a matter for the planning regime and the market to resolve.
- 4.7 We urge that, even if an area has been assessed as having an overprovision then all applications should be judged on their merits as an alternative to a ban on all new premises. It is our view that many town centres, which suffer from alcohol related disorder and nuisance, would benefit from the establishment of new traditional orientated pubs that would attract an older clientele. An outright ban on new premises would simply entrench the status quo and mean that many high streets remain a no go area for more mature drinkers.

5.0 Licensing Hours

- 5.1 We welcome the proposed abolition of statutory permitted hours. The system of statutory permitted hours is archaic and their abolition is long overdue. We support the principle of a new system whereby each licensed premises is able to apply for their own permitted opening times.
- 5.2 We foresee little if any demand from licensed premises to open 24 hours. We therefore question whether an assumption against 24 hour opening is necessary.
- 5.3 Attempting to define what is meant by a presumption against 24 hour opening could be problematic. Would such a presumption mean that it would be acceptable for premises to open for 23 hours a day, but not 24 hours?
- 5.4 We suggest that an exemption could be made for certain special events and holidays such as Hogmanay, but again we are not clear that there is any consumer or business demand for 24 hour opening even as a one off.

6.0 Communities

- 6.1 We believe that consumers should be able to legitimately object to premise licence application or an application for a variation of an existing licence. Consumers have a real and material interest in the future of licensed premises.

7.0 Training

- 7.1 We support the principle of mandatory training for Board members. A three-month period following appointment would appear reasonable. Training is vital to ensure greater consistency in the decisions made by the Boards.
- 7.2 As a consumer organisation we campaign for the highest standards in public houses and would therefore be minded to support appropriate mandatory training for permanent staff.
- 7.3 We agree that casual staff should be exempted from the requirement for mandatory training. It is important that licensees have the flexibility to meet consumer demands that can vary considerably depending on the time of year.

8.0 Irresponsible Promotions

- 8.1 We agree with the principle that irresponsible promotions need to be tackled. However, we stress the complications of trying to define precisely what is responsible and what is irresponsible.
- 8.2 Our view is that only those promotions that can be shown to encourage people to drink more than they would otherwise do, or to drink faster than usual, should be restricted.
- 8.3 We believe that price discounts are preferable to two for one offers which can lead to younger drinkers buying two rather than one drink for themselves at the same time. In addition, we believe that happy hours should be spread over a reasonable length of time to avoid a rush to drink as much as possible.
- 8.4 We believe that promotions that encourage consumers to purchase a meal and a drink at the same time are wholly responsible and offer a good example of best practice. In addition loyalty schemes that are run over an extended period of time could be seen as an alternative to happy hours.
- 8.5 We oppose “drink as much as you can” promotions and would support an end to such promotions. These promotions have the almost inevitable consequence of people drinking to excess in order to get value for money.
- 8.6 We believe that this problem would be best tackled at both national and local level. We would envisage national guidelines setting out a set of minimum standards whilst Boards would be able to influence the use of promotions through the operating plan attached to licences. We believe Boards should only act in response to reasonable objections.

9.0 Registered Clubs

- 9.1 Registered clubs are very different in nature to licensed premises that are open to the public. We believe that this must be recognised in both the conditions attached to premises licences for registered clubs and in special exemptions.
- 9.2 We agree that where a manager or steward is employed to run a bar it is not unreasonable to expect that person to hold a personal licence. However where solely unpaid volunteers run a bar we believe that the club should be exempted from the need to have a designated premises supervisor. Many amateur sports clubs will have bars open for perhaps only one or two evenings a week catering for only a dozen people.
- 9.3 We believe that smaller registered clubs should be offered either an exemption from fees or pay fees at a lower rate.

10.0 Fees

- 10.1 We believe that fees should be tiered so that smaller licensed premises can remain viable. One option would be to base fees on rateable values.
- 10.2 We agree that an annual retention fee for premises licences should be charged to ensure that the initial application charge could be set at an affordable level. Initial application charges for a premises licence should be as low as possible to avoid penalising temporary events requiring a premises licence. Excessive initial application charges could act as a barrier to entry for new independent operators.

11.0 Board Procedures

- 11.1 We support the proposal that every premises applying for a licence should display a prominent notice on their premises. This is important to ensure that consumers are aware of applications and thus have an opportunity to comment.

12.0 Drinking Up Time

- 12.1 We remain of the view that an extension of drinking up time to 30 minutes would assist the more orderly closure of licensed premises. It would also reduce the potential for public nuisance by facilitating a more gradual dispersal of customers.

Need more information?

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Appendix 1

About CAMRA

CAMRA, The Campaign for Real Ale is a not-for-profit independent voluntary consumer body which exists to promote and defend access to full-flavoured and distinctive beer and the best features of the British pub.

CAMRA was founded in 1971 and membership our membership currently exceeds 73,000.

CAMRA's mission is to act as the champion of the consumer in relation to the UK and European drinks industry. Its aims are as follows:

Maintain consumer rights

Promote quality, choice and value for money

Support the public house as a focus of community life

**And campaign for greater appreciation of traditional beers, ciders and perries
as part of national heritage and culture**

The Campaign is funded by member subscriptions, sales of publications and products and proceeds from beer festivals. Other than revenue from advertising in our member's newspaper, it is not funded in any way by the industry. Only individuals can join CAMRA.