

Improving methods of estimating alcohol consumption

Introduction

Applications for liquor licences have to satisfy three criteria. The applicant must not be disqualified from holding a licence, must be a fit and proper person and premises must be structurally adapted to the type of licence required. Although the concept of need or demand appears nowhere in the legislation, justices may also refuse an application if there appears to be no need for another licensed establishment. Using the criterion of need, the most fit and proper persons may be refused a licence for the most suitable premises. The concept of need is one of the most contentious issues in the licensing field and the least easily defined. This study completed by Roy Light and Susan Heenan, from the University of the West of England, summarises the views of 48 chairmen of licensing committees. Policy documents were also analysed in order to shed some light on the way in which the need criterion is interpreted.

Findings

- There is a worrying lack of consistency in applying the criterion of need. For some it means under-provision whereas for other licensing committees it refers to demand. Some committees rely regularly on the criterion of need whereas others do not.
- A decision on a particular case takes into account the following evidence (in order of importance): police objections, witnesses, radius maps of existing premises, petitions, letters, trade objections and, finally, market research.
- Policies produced by licensing committees ranged in length from 2 to 48 pages.
- 54% of respondents were happy to dispense with the criterion of need.
- Proving need has become a complex issue. There is a small army of experts who travel around the country producing radius maps, demographic analyses, licensing surveys and market research studies.
- There has been a strong move in recent years to drop the criterion of need. Public health seems largely to have been ignored but there is still a strong focus on noise, nuisance and disorder.

Implications

- A greater element of consistency needs to be introduced into liquor licensing. The Good Practice Guide, produced by the Justices' Clerks Society, promises to do this but it is essential that the implementation of guidelines such as these be monitored.
- The move towards easier entry to the licensed trade with a counter-balance of more rigorous enforcement and a wider range of sanctions has implications for policing, which need to be examined.
- Abandonment of the need criterion will result in an increase in the availability of alcohol. The consequences for alcohol-related problems must be kept under review.

Further Information

Need does not appear in the legislation, but its use by licensing tribunals is older than Parliament itself, although its application has varied considerably over the years. Put simply, increases in alcohol-related problems have led to stricter controls on numbers of outlets, while social and commercial pressures for lib-

eralisation have prompted relaxation of controls. The use of this criterion was strong in the 1780's (led by a campaign on vice and morality) and in the 1980's (lager louts and public health concerns).

Whilst chairmen to the licensing justices formed the main research population for this study, the opinions of others were also canvassed (mainly licensing lawyers).

- Lawyers were keen to abandon need, which they saw as unfairly limiting entry to the trade and restricting competition.
- Police were not in favour of abandoning need, expressing concern over possible increases in alcohol-related crime and disorder.
- Some lawyers expressed the view that licensing committees sometimes hide behind need when refusing an application.

Research Team

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The Final Report

