

EXCEPTIONS AND EXEMPTIONS 2

1. This appendix sets out our proposals for addressing the wide-ranging exceptions and exemptions present in the liquor licensing laws.

Trains, boats and aeroplanes

2. Trains, boats and planes carrying passengers and travelling within the United Kingdom do not require a justices licence to sell alcohol. This has some unusual effects. For example, it is entirely legal for a child under 18 years old to buy beer from the buffet car on a train travelling from London to Manchester. Similarly, passenger carrying boats cruising the Thames or coastal waters can sell to youngsters with impunity. It is only illegal for sales of alcohol to people under 18 to be made on licensed premises. As we have mentioned elsewhere, we recommend that this anomaly is dealt with by:
 - ✓ making it unlawful for a personal licence holder or “any other person” to sell to children under 18 (save for the case of 16 and 17 year olds with adults purchasing a table meal).

3. Anyone travelling on a train, plane or boat within England and Wales would then be caught by two new laws. It would be an offence to sell alcohol to a person under 18, and it would be a new offence for anyone to purchase alcohol on behalf of such a person. However, we have also considered whether the exemption from the normal licensing controls should continue.

Aeroplanes

4. Aeroplane journeys within England and Wales tend to be relatively short. Opportunity to misuse alcohol is therefore limited, and drunkenness is unlikely to be the kind of problem it can be on long haul flights. There are also firm laws with serious penalties to cope with those who cause disorder, whether alcohol induced or not, on aeroplanes. We can therefore see no case for imposing further regulation on these flights. 2

2

Boats

5. In the Interim Report by Lord Justice Clarke on the Thames Safety Inquiry, he states¹⁰:

“If we are to retain liquor licensing laws and require premises to be licensed to sell alcohol, then the reasons that commend themselves to require such premises on land to be licensed seem to me to apply with at least equal force in respect of vessels. Indeed it might be said that safety concerns demand even higher standards for those in charge of serving alcohol on board boats.”

2

6. We have looked at this matter carefully. The particular safety concerns raised by Lord Justice Clarke appear to relate to those boats which essentially attempt to provide a mobile party at which the heady mix of music, dancing and alcohol impinges on public safety. In the case of boats travelling between places in England and Wales, we therefore propose that at least one member of the crew should by law be required

¹⁰ Cm 4530 Thames Safety Inquiry: Interim Report by Lord Justice Clarke, Volume 1, Paragraph 13.31.

to hold a personal licence and that person must be on board during the period in which alcohol is sold or supplied to passengers. This would therefore cover river trips and coastal excursions. Such boats would also require a premises licence issued by the licensing authority for its home port. As with fixed buildings, conditions and hours would be attached to this licence. An additional power would provide for a police officer of at least the rank of Inspector to be able to order any boat (holding a premises licence) on grounds of disorder (including drunkenness) and public safety to return to its home berth and the disembarkation of all passengers. Such a boat would not be free to provide alcohol to passengers again until its premises licence had been reviewed by the licensing authority. Lastly, police powers relating to drug misuse in venues where music and dancing is taking place will be extended to include such boats. 2

Trains

7. Drinking alcohol on trains can also lead to disorder and intimidating behaviour which affects the travelling public. However, trains will inevitably travel through many licensing districts during a single journey. If licensed in these circumstances, which authority should be responsible for issuing any relevant licences and who should be responsible for monitoring compliance? In addition, because trains do not have permanence like buildings (or indeed, boats) and are assemblages of coaches that may change regularly, they do not lend themselves to our scheme for premises licences or for the inspection of those premises. In these circumstances, and in the absence of major problems in recent years, we are inclined to continue the exemption. But some mechanism is needed to prevent the sale of alcohol on train lines that are a persistent source of disorder and nuisance. We therefore propose creating a power for a chief police officer to seek *a prevention of sale order* from a magistrates' court. This could, for example, relate to all trains running between specified towns between specified times. The order would remain in force until stood down by the courts.

The University of Cambridge

8. The ancient privilege vested in the University is to grant licences to sell wine. The licence may be granted by the Vice Chancellor, and covers only establishments within his jurisdiction. Whether or not the privilege extends to other forms of liquor is a matter of dispute. The origins of the privilege are said to lie in a Charter of Richard II dated 1382. The position of the licensing justices is that it is for any college claiming such an extended privilege to prove the exemption. So far as we are aware, none of this has ever been fully tested in the courts. Modernisation should sensibly remove such anomalies for which there is no obvious current justification.

The Vintners of the City of London

9. The privileges of the Vintners have their origin in a Royal Charter of 1611. The vintners may sell wine in the City of London and in a long list of "port towns" without a licence, but only within "permitted hours". This is another anomaly that should be removed and for which we have been unable to find a modern justification.

The Board of the Green Cloth

10. The Board of the Green Cloth is an ancient committee of the Royal Household, comprising the Master of the Royal Household, the Chief Metropolitan Magistrate and other magistrates, responsible for licensing inns "within the verge of the Palace".

It holds its meetings at Buckingham Palace. Although the Board is not formally bound by the licensing laws, it does in fact adhere to them. The judicial committee of the Privy Council considers appeals against decisions of the Board. There are a number of public houses within the jurisdiction of the Board, which is limited to what used to be the private grounds of the Sovereign, and includes Carlton House Terrace, the northern end of Whitehall and the National Gallery (the former royal stables). We can find no modern justification for preserving this ancient exemption from the requirements of the general law.

Theatres

11. Premises holding a theatre licence can sell alcohol without a liquor licence if they have notified the licensing justices of their intention. All other provisions of the licensing laws apply to them. We consider that given the proposals made in this White Paper on greater flexibility of opening/closing times, access by children and reduced bureaucracy, it would not be over-burdensome to bring theatres into line with the simplified and streamlined licensing arrangements. Accordingly, we propose requiring theatres which choose to sell alcohol to hold personal and premises licences issued by the new licensing authority. Those which do not have bars would only require a premises licence and could opt out of conditions relating to the sale of alcohol.

Government canteens

12. There is an exemption in the current law for certain canteens to be licensed by a Secretary of State. For example, the Home Secretary authorises the sale of alcohol in police and prison staff clubs; and the Secretary of State for Defence authorises the sale of liquor from NAAFI's. We do not consider that all of these exemptions can be justified. We recognise that in respect of certain premises access for inspection and enforcement purposes might have to be limited for security reasons. However, we consider that the number of premises affected by national security considerations will be extremely small. In many of the premises concerned, access for inspection is often permitted for fire or environmental health reasons. We therefore see no reason why these canteens should not normally obtain personal and premises licences. We do however intend to provide for certain canteens to be exempted for reasons of national security on the authority of a Secretary of State.

Seamen's Canteens

13. Special arrangements apply to Seamen's Canteens which have developed over many years. Before the Second World War welfare facilities for merchant seamen ashore were provided solely by voluntary organisations either local or national in scope. Seamen's canteens were provided as an alternative attraction to public houses in the vicinity of docks which were judged too often associated with crime and licentiousness. We see no reason why the licensing of such canteens, where they still exist, should not be brought within the normal licensing arrangements we envisage in this White Paper.