

Consultation Questions

The Home Office are asking Local Authorities to answer a number of specific questions. The questions are split between the mandatory and discretionary conditions:-

1. Mandatory

(a) Q. Do you have any suggestions that will improve the proposed mandatory licensing conditions and requirements to reduce crime and disorder ?

A. Officers recommendation: None}

(b) Q. Is the drafting of these mandatory licensing conditions explicit enough to capture the intended activities? If not, can you provide alternative wording that may be more effective ?

A. Officers recommendation: They cover the areas intended.

(c) Q. Are there any of the mandatory licensing conditions that you would not wish to be made mandatory for licensed premises? If so, why?

A. {Officers recommendation: No}

(d) Q. Would you support the requirement for licensed premises to have to display unit and health information? Are there types of licensed premises that you feel should be exempt from these requirements? If so, which types and why?

A. Officers recommendation: should apply to all 'on' and 'off' sale premises.

(e) Q. Are there any types of licensed premises that you feel should be exempted from one or more of the mandatory conditions? If so, which types and why ?

A. {Officers recommendation: No.}

(f) Q. Do you think that Weights and Measures legislation should continue to allow licence-holders to choose whether to offer either 25 ml or 35 ml single measures of certain spirits (i.e. gin, rum, vodka and whisky) or do you think that all on-trade premises should be required to offer only single spirit measures of 25 ml? Or do you think that all on-trade premises should be required to offer only single spirit measures of 35 ml? Please explain your choice.

A. *{Officers recommendation: A single measure should be 25ml in all onlicences and priced accordingly. The smallest measure allows the customer to be more in control of consumption amounts; many of whom may not be aware that a 'single shot' can presently differ from premises to premises.*

(g) Q. Do you think that banning sales below the price level of excise duty plus VAT would be effective and proportionate in reducing irresponsible, harmful and/or binge drinking? Do you have evidence to support your view? What would be the potential costs and benefits of the impact on health, public safety, consumers, business and competition of introducing such a policy?

A. *Officers recommendation: The general opinion of the officers (without evidential base), is that the suggested level of pricing would not impact on a problem, that is more cultural led. An effective pricing policy would have to be much higher, and would then still require a sustained educational/change in attitude national campaign.*

2. Discretionary

(a) Q. Do you have any suggestions that will improve the impact of the proposed conditions in reducing nuisance and disorder in your area ?

A. *Officers recommendation: It is felt that there is no need to stipulate the discretionary conditions. Licensing Authorities should be allowed to impose any reasonable condition to more than 1 premise if the evidential base, as explained in the document, is satisfied.*

Furthermore, whilst it is recognised that this is a Home Office initiative, there appears to be no reason why discretionary conditions could not be based on any of the 4 Licensing Objectives, and be related to other issues, such as noise, and not just alcohol. The list of discretionary conditions could be used as examples of suitable conditions that may be attached to more than 1 premises, but added to a new Section in Annex D of the Section 182 Guidance, instead of being an exhaustive list.

**(b) Q. Is the drafting of these proposed local conditions explicit enough to achieve the intended impact?
If not, can you provide alternative wording?**

A. *Officer recommendation: Please see response to (a) above*

(c) Q. Are there any of the proposed conditions that seem disproportionate or that you do not think licensing authorities should be able to use with groups of two or more premises ?

A. Officer recommendation: If applied in the right manner, they are all reasonable, although the Section 182 Guidance (10.38 – 10.40) raises concerns over applying blanket conditions relating to discount pricing and this would have to be reviewed for clarification.

(d) Q. If limits are to be placed on supermarkets, convenience stores, etc. for discounting large volumes of alcohol, what levels do you consider should be set? Should it differ for different types of drinks (beer, wine, spirits etc)

A. Officers recommendation: None specific -but as per 2 (c) above.

(e) Training

Q. How might a training requirement applied by licensing authorities to two or more premises work in practice? In particular: what should it contain; how should it be enforced; and should different schemes be available to the on-trade, off-trade and clubs

A. Officers recommendation: Would need to be designed to the local factors surrounding the premises, which supports the need for complete freedom for licensing authorities to apply wording of conditions as they think fit (see 2 (a) above).

(f) Seating

Q. What are the appropriate levels of seating that should be imposed on 'high volume vertical drinking establishments' in order to reduce the risk of nuisance and disorder ?

A. Officers recommendation: None. Not experienced these type of premises to enable qualified response

(g) Background Music

Q. Would a restriction on the level of background music contribute to a decrease in nuisance and disorder? If so, how might it be enforced?

A. Officers recommendation: None. Would need access to evidential base

(h) Harassment/intimidation in Premises

Q. What more can be done to protect people from harassment and intimidation in and around licensed premises ?

A. Officers recommendation: Again, different areas may require unique solutions and require specially worded conditions – see 2(a) above

(i) Door Staff

Q. Do you think that there should be a discretionary local condition to require groups of premises to have door staff in operation during times associated with nuisance and disorder ?

A. Officers recommendation: It would be reasonable – but see 2(a) Above

(j) Q. Do you think that the enforcement process that we have suggested is appropriate? Can you suggest an alternative?

A. Officers recommendation: The new Act or Guidance will need to emphasise the importance of all voluntary agreements by licensees being processed and mediated through Licensing Authorities, preferably via the review process. This may be based on evidence from the Police, but informal agreements between the Police and Licensees are sometimes not sustainable in the long term (change of licensees etc). Paragraphs 5.27 – 5.28 should be strengthened to reflect these points

(k) Q. Do you think that the appeals process we have suggested is appropriate? Can you suggest an alternative?

A. Officers recommendation: Yes, they are appropriate

(l) Q. How widely do you think these powers will be used and why?

A. Officers recommendation: There is a risk that the powers are expected to be applied as standard, rather than ensuring the Four Point Test is properly met. This may be viewed as out of balance with the recent findings that the system is already ready too bureaucratic and costly to the alcohol industry (DCMS Select Committee report).