

APPENDIX ONE

Statement of Licensing Policy Representation Response		
Representation	Comment	Action Recommended
<p><u>CAMRA</u></p> <p>1. Under 4.3 the point is made that ‘licensing policies are not currently required to address Public Health concerns’. The paragraph however then goes on to outline a whole series of public health concerns without making any mentions of the positive effects that pubs have on local communities. Not only do pubs provide the only environment where alcohol consumption is monitored (unlike supermarkets) but they also help treat the growing social problem of loneliness. This is backed up by recent research from the University of Oxford (*1) and the government even have a Government Minister (Tracey Crouch MP) for loneliness. I would suggest that this and other paragraphs needs rewriting to show a more balanced approach and not simply reflect the anti-alcohol lobby.</p> <p>In the last few days further research has been published that actually shows the benefit of moderate drinking reduces the risk of dementia (*2)</p> <p><i>*1 'Functional benefits of (modest) alcohol consumption'</i> <i>*2 Published in the British Medical Journal (BMJ) the data showed abstinence in midlife was associated with a 45% higher risk of dementia compared with people who consumed between one and 14 units of alcohol per week</i></p>	<p>Para 1.3 and 1.4 recognises the benefits of licensed premises and whilst health is not a licensing objective, the Director of Public Health is the nominated person responsible for responding to applications on behalf of public health teams.</p> <p>The policy concerns the sale of alcohol both in on licensed and off licensed premises.</p> <p>The House of Lords Select Committee also noted: Conclusion / Recommendation 22: Promotion of health and well-being is a necessary and desirable objective for an alcohol strategy, but we accept that it is not appropriate as a licensing objective.</p> <p>Government Response The Government is committed to working with public health organisations and professionals, in particular Public Health England, to support local areas to tackle the public health harms associated with excessive alcohol consumption. Public health teams have an important role to play in the licensing system, and that is why they have a statutory role as a responsible authority under the 2003 Act.</p> <p>The general tenor of the policy is not anti-alcohol and it is not proposed to rewrite any part of the policy with respect to this comment.</p>	<p>Noted. No action</p>

<p>2. Under 7.21 the authority is indicating that although the 'consumption of alcohol' is not a licensed activity it intends effectively making it so in the case of gardens and outside areas. This seems a clear case of exceeding the intentions of legislation and seems an unreasonably imposition. The Local Authority already has powers under the Noise Act 1996 to deal with noisy neighbours.</p>	<p>It is an established fact of law that on sales relate to the licensed area. If a premises does not have the authorisation to sell alcohol for consumption off the premises, drink in a beer garden would be breaking the law.</p> <p>The issue is not the consumption of alcohol but the permission to sell alcohol for that purpose.</p> <p>The Noise Act 1996 has no relevance to this.</p>	<p>Noted. No action</p>
<p>3. Whilst it is accepted that the Authority has to take into account Crime & Disorder obligations it is felt that social wellbeing of the local citizens should also be a factor in any policy (*3). There has been a growth recently of micro-pubs and these are providing a much need community service as increasingly the larger pubs have sought to capture the more lucrative market (Food, entertainment and Sports).</p> <p>Micro-pubs provide local employment; tend to sell local beers (empowering local business) and are local community hubs providing a local refuge for those who wish to interact with other people.</p> <p>Our proposal is that micro-pub applications should be treated in a slightly different way with a more flexible approach to opening hours and use of outdoor areas. The Licensing Act 2003 allowed for a more relaxed approach to opening hours anticipating that this would encourage a more relaxed attitude to drinking. Whilst this has not always been achieved it would only seem reasonable to allow micro-pubs the option to open until midnight, where economically it make sense, as the majority of the users of micro-pubs live locally and this would encourage them to stay locally.</p>	<p>Wellbeing is not a licensing objective and cannot therefore be taken into account when considering applications.</p> <p>The principle of micro pubs is welcomed and the Council has granted licences for a number of them in the past few years. However, many of the premises will require planning permission due to change of use or location. In many cases due to location, planning will grant limited opening hours to protect public amenity and it is this that would normally dictate the opening hours.</p> <p>There is no scope or legal standing to consider such applications any differently to any other. As far as the Licensing Act 2003 is concerned, if an application receives no representations, it must be granted as applied for. However, if representations are received, the application is subject to a statutory process whether large or small', on or off sales, or of course late night refreshment.</p> <p>There is no legal facility to grant a temporary licence in the manner suggested.</p>	<p>Noted. No action.</p>

<p>The Authority and the Police have an abundance of powers to deal with unruly establishments and our recommendation is that where there may be some concerns that temporary approval should be granted and renewed on the basis of the pubs continuing good and proper management.</p> <p><i>*3 Friends on Tap – The Role of pubs at the heart of the community. Professor Robin Dunbar, Department of Experimental Psychology, University of Oxford. January 2016.</i></p>		
<p>Insp 3540 Ruby Burrow County Operations Nottinghamshire Police</p> <p>There is no mention of vulnerability within the policy. Whilst the awareness of and action taken to prevent vulnerability is not one of the 4 licensing objectives it is nonetheless obviously important. There are references to actions that venues should take that would reduce vulnerability eg the suggestion of providing a taxi call point – this is under the heading of reducing crime and disorder.</p> <p>Is there anything that could be put in to specifically address the issue of vulnerability – the link between excessive alcohol making people more likely to be vulnerable, a suggestion that venues have a responsibility for the wellbeing of their patrons, a suggestion that venues engage with any vulnerability training they are offered by responsible authorities, a suggestion they engage with schemes such as the “Ask Angela” scheme, provision of basic facilities to assist patrons in need such as phone chargers, bottles of water, a room where vulnerable people can wait to be collected by taxi or other transport.</p>	<p>It is considered that the response has some merit. The proposed response will be considered by the Nottinghamshire Authority Licensing Group (NALG) on 6th September to agree common wording of the policy.</p> <p>Para 7.14 to be amended to include: Examples of recommended management practice for the protection of children and Vulnerable Adults</p> <ul style="list-style-type: none"> Training staff in their responsibility not to serve to a person when drunk Encouraging staff to attend vulnerability training Providing facilities to support vulnerable adults when assistance is required. (access to phone and/or charge, cold water, safe room away from others) 	<p>Amendment made to policy</p>

<p>Gill Oliver, Nottinghamshire County Council Senior Public Health and Commissioning Officer 4.3-4.7 Thank you for including these paragraphs on Public Health.</p>	<p>Noted</p>	<p>Noted. No action taken</p>
<p>7.27 Public Health supports Broxtowe’s decision to adopt additional requirements for sexual entertainment venues.</p>	<p>Noted</p>	<p>Noted. No action taken</p>
<p>8.0 Public Health supports the measures to protect children.</p>	<p>Noted</p>	<p>Noted. No action taken</p>
<p>Can I query this statement? Shops, stores and supermarkets will normally be permitted to sell alcohol and or late night refreshment at any time when they are open for shopping unless there are good reasons related to the promotion of the licensing objectives. This potentially means 24/7 availability – is this correct esp. given Sunday trading laws? And how does it fit with EMROs?</p>	<p>Sunday trading laws require large shops to close for the sale of all goods within the regulated hours. Controls on the hours of sale of alcohol will be applied where necessary. There are no Early Morning Restriction Orders adopted in Newark and Sherwood.</p>	<p>Noted.</p>
<p><u>Newark Town Council</u></p> <p>Paragraph 4. - Strategic Links This section introduces Public Health as a new criteria which should be considered when considering Alcohol Licence applications, whilst the impact of alcohol consumption on health is appreciated and understood; the new narrative in paragraphs 4.3 – 4.7 seem to be just a description of the issues and an analysis of communities that are particularly affected.</p> <p>The policy requires applications to give consideration to the health impacts of alcohol but doesn’t set out how this is to be undertaken or what criteria are to be used in assessing an application. It appears to be just a general discursive statement about the alcohol impacts on Public Health with no understanding on specific actions as to how or what licensed premises should be doing in this regard.</p>	<p>Section 4 is designed to set the scene with a discussion around the broader issues. Details of actions are set out later in the policy.</p> <p>The licensing objectives are set out in paragraph 2.1</p>	<p>Noted. No Action</p>

<p>Para. 4.3 states that there are four 'statutory licensing objectives' but then only mentions two. What are the others?</p>		
<p>Paragraph 7.2 – Litter Impacts This section deals with anti-social behaviour associated with licensed premises. It is felt that the implications for litter should be a specific criteria for consideration in this Policy. This can include, for example, a requirement for premises to provide appropriate litter bins close to or in the vicinity of their premise to mitigate the problems which can arise.</p>	<p>The litter associated with licensed premises is in the main associated with smokers and late night refreshment. Although the provision of litter bins is not explicit it is a consideration when attaching conditions to a licence.</p>	<p>Noted. No Action</p>
<p>Paragraph 7.6 – Noise It is felt that this section should also have regard to the history of specific premises and the surrounding built environment. In particular if a dwelling is next to or nearby a pub that was already there, then any assessment of noise should pay due regard to the timeline of what came first.</p>	<p>Information concerning the history of licensed premises is included as part of the background information At all Licence Hearings. This is generally supported by a site visit for the Hearing Panel.</p>	<p>Noted. No Action</p>
<p>Paragraph 7.12 - Happy Hours The list of measures includes reference to 'Happy Hours'; the Town Council believes that these are now illegal and, if so, should be removed from the policy.</p>	<p>The policy suggests that Happy Hours or drinks promotions should be risk assessed. The law does prohibit irresponsible drinks promotions and our policy supports this but does suggest that other drinks promotions should be assessed.</p>	<p>Noted. No Action</p>
<p>Paragraph 7.20 – Outside Areas There are an increasing number of premises that provide outside areas for eating and drinking. This is particularly so in Newark town centre. Whilst the Town Council is largely supportive of this 'Café Culture' it can bring with it implications around anti-social behaviour, violence and litter. It is suggested that this section deals specifically with such premises and introduces a list of criteria and conditions for them. This should include the requirement for only plastic drinking receptacles to be used outside and clear requirements for policing and security of such areas.</p>	<p>We would expect the operating schedule of the application to provide information on how outside areas can be managed. It is not always appropriate to put a condition on a licence to require polycarbonate glasses to be used outside.</p>	<p>Noted. NO action</p>

<p>Paragraph 7.24 – Encouraging Diversity This new section appears to be strange addition to the policy. Whilst aiming to deal with ‘Diversity’ it only mentions adults and families, what about any other groups of the population in this regard? The Town Council feels strongly that ‘Vertical Drinking’ should be supported; not discouraged as the section currently states. It feels that this policy is not an appropriate mechanism to deal with any perceived diversity issues.</p>	<p>It must be remembered that the Statement of Licensing Policy covers the whole of the district and should not be taken to just apply to one area. Evidence shows that vertical drinking establishments are the main source of anti-social behaviour. A diverse evening and night time economy is encouraged.</p>	<p>Noted. No action.</p>
<p>Paragraph 7.28.1 – Reviews This section removes ‘businesses’ from the list of people/organisations that can ask for a review. The Town Council strongly opposes this change. Businesses can be significantly affected by adjacent Licensed Premises and would, under this new policy, be unable to request a review. By way of example a Café with outside seating for meals etc. whose customers are harangued from an adjacent pub with an outside drinking area whose customers are drunk, noisy and generally unpleasant.</p>	<p>Whilst the policy does not list businesses explicit as an organisation that can seek a review this is very much the case as a review can be instigated by any individual or organisation.</p>	<p>Amendment to policy to make this clear.</p>