

REVIEW OF LICENSING AND PUBLIC HEALTH

SUMMARY

This paper provides continuing information for the Review of Licensing and Public Health.

RECOMMENDATIONS

1. Corporate and Social Inclusion Select Committee note the report.

BACKGROUND

1. The main issues and overall aim of this review is to:
 - Explore the opportunities for addressing health concerns of Stockton Borough residents through licensing as a means to:
 - regulating the number and concentration of outlets. In particular:
 - planning permission for fast food outlets should include consideration of the potential impacts on prevention and reduction of cardiovascular disease
 - planning permission could be restricted in certain areas (e.g. within walking distance of schools)
 - there could be a review and amendment of classes of use orders to address disease prevention related to the concentration of fast food outlets.
 - Explore designating special policies across specific areas of the borough i.e. Cumulative Impact Zones (also known as saturation zones) to deal with a proliferation of particular outlets including premises licensed to sell alcohol.

DETAIL

2. This meeting focuses on Stockton Borough Council's Statement of Licensing Policy (appendix 1) with which the Council carries out its functions under the Licensing Act 2003 (the Act) with a view to promoting the following objectives:
 - a) the prevention of public nuisance
 - b) the prevention of crime and disorder
 - c) ensuring public safety
 - d) protection of children from harm
3. Each objective is of equal importance. It is important to note that there are no other licensing objectives therefore these four objectives are paramount considerations at all times.
4. Previously, licensing authorities were required to determine their licensing policies for each three-year period. Licensing policies published in respect of the three-year period that began on 7 January 2011 were to be treated as though they apply to a period of five years so a policy refresh is due in 2016.
5. In January 2014 the Local Government Association published Open for Business: Rewiring Licensing which called for full reform of the licensing framework. It claimed that not all licensing frameworks have clear objectives and do not allow relevant

considerations to be taken into account. The LGA therefore proposed that licensing decisions should be reached locally based on a broader set of licensing objectives that includes protection of public health.

6. It gave the example of excessive alcohol consumption estimated to cost the NHS £3.2 billion a year, with additional costs falling to social services, police and businesses. In 2010/11 there were 198,900 hospital admissions directly attributable to alcohol, an increase of 40 per cent since 2002/3.
7. It subsequently argued that because health impacts are linked to consumption and the availability of alcohol, there is a need for public health bodies to play an active role in licensing activities; therefore, under the 2003 Act, local health bodies are able to contribute to the licensing process through being a 'responsible authority'. Whilst the link is recognised, there is no scope for health bodies or councils to oppose or modify an application on health grounds, since the licensing objectives have not been amended.
8. In October 2014 the Home Office published Revised Guidance issued under section 182 of the Licensing Act 2003 which is now in force and includes the local authority's Director of Public Health as a 'responsible authority' who must be fully notified of applications and who is entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence. The representations must still be considered 'relevant' by the licensing authority and relate to one or more of the licensing objectives for an area any part of which is in the licensing authority's area. The change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.
9. The Revised Guidance states that:
"Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in person aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively."
10. Where a local authority's Director of Public Health in England (DPH) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
11. Information may be held which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police.

12. Health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well-being.
13. Evidence relating to under-18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
14. Also in October 2014 Public Health England and the Local Government Association published “Public health and the Licensing Act 2003 – guidance note on effective participation by public health teams” to develop understanding of how public health and local authority licensing can work effectively together to address their objectives (see Appendix 2).
15. Example applications, issues and possible public health actions are suggested (see pages 18 and 19) which may be considered by the select committee as viable solutions to begin to address licensing objectives and how Stockton Council’s public health team engages with the licensing process.

Name of Contact Officer: Graham Birtle, Scrutiny Officer
Telephone No: 01642 526187
Email Address: graham.birtle@stockton.gov.uk



The Licensing Act 2003 Statement Of Licensing Policy January 2011

Community
Legal Service



INVESTORS
IN PEOPLE | Silver



The Government Standard

January 2011

CONTENTS	PAGE
Introduction and Licensing Objectives	5
Licensable Activities	7
Personal Licences	9
Premise Licences	11
Club Premise Certificates	15
Provisional Statements	17
Variations of Licences/Certificates	18
Transfer of Premises Licences	19
Interim Authorities	20
Temporary Events Notices	21
Large Scale Temporary Events Requiring Premises Licence	25
Relevant Representations	27
Reviews	28
Appeals	33
Enforcement	34
Appendix One – Factors For Consideration	35
Useful Links	40
Useful Contacts	41

Stockton on Tees Borough Council

Statement of Licensing Policy

Introduction and Licensing Objectives

1. Stockton on Tees Borough Council (the Council) carries out its functions under the Licensing Act 2003 (the Act) with a view to promoting the following objectives:
 - a) the prevention of public nuisance
 - b) the prevention of crime and disorder
 - c) ensuring public safety
 - d) protection of children from harm
2. Each objective is of equal importance. It is important to note that there are no other licensing objectives therefore these four objectives are paramount considerations at all times.
3. In preparing this statement the Council has consulted with and considered the views of a wide range of people and organisations including:
 - a) Cleveland Police Force;
 - b) Cleveland Fire Brigade;
 - c) Existing Premise Licence holders;
 - d) Existing Club Premise Certificate holders;
 - e) Existing Personal License holders; and
 - f) Representatives of businesses and residents in the Council area.
4. The Council recognises that balancing the interests of owners, employees, customers and neighbours of pubs, clubs and off-licenses will not always be straightforward, but it will always be guided by the four principal objectives of the Act. The Council will use its powers to promote best practice in relation to the operation of licensed premises, and to deter poor practice, with a view to achieving a continual improvement of standards over time, in the belief that this is in the long term interests of owners, employees, customers and neighbours alike.
5. The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. Therefore we will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing, and take care to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events. Should there be any indication that such events are being deterred by licensing requirements, this policy will be re-considered with a view to investigating how the situation might be reversed.
6. The Council will also seek Premises Licences for public spaces in the community in its own name. With regard to those places, performers and entertainers will not need to obtain a licence or give a temporary event notice themselves in order to perform. Instead they would require permission from the Council as the Premises Licence holder. Any charges related to this permission will be reasonable and proportionate.

7. The licensing policy is concerned with regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. The conditions attached to various authorisations will be focused on matters, which are within the control of individual licensees and others in possession of relevant authorisations.
8. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. Stockton Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.
9. Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.
10. The aims of this Statement of Licensing Policy are to:
 - a) Help build a fair and prosperous society that properly balances the rights of people and their communities
 - b) Integrate its aims and objectives with other initiatives that will:
 - reduce crime and disorder
 - encourage tourism
 - reduce alcohol misuse
 - encourage the self sufficiency of local communities
 - reduce the burden of unnecessary regulation on business.
11. This Statement of Policy does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have such an application considered on its individual merits. It does not seek to override the right of any person to make representations on an application or seek a review of a Licence or Certificate where provision has been made for them to do so in the Act. When considering applications, variations and reviews the Licensing Committee will have due regard to this Policy and any Guidelines issued by the Secretary of State under Section 182 of the Licensing Act 2003.
12. All Members of the Licensing Committee are required to follow the Model Code Of Conduct For Members that is contained within the Council’s Constitution when considering any application, variation or review under this Statement of Licensing Policy.

Licensable Activities

13. A premises licence authorises the use of any premises, which includes any place or part of a premises, for licensable activities described in section 1(1) and Schedules 1 and 2 of the 2003 Act.
14. The licensable activities are:
 - a) the sale of alcohol by retail;
 - b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - c) the provision of regulated entertainment;
 - d) the provision of late night refreshment.

Regulated Entertainment

15. Regulated entertainment includes both entertainment and entertainment facilities. Subject to the qualifying conditions, definitions and the exemptions, regulated entertainment is:
 - a) a performance of a play
 - b) an exhibition of a film
 - c) an indoor sporting event
 - d) a boxing or wrestling entertainment (indoors and outdoors)
 - e) a performance of live music
 - f) any playing of recorded music
 - g) a performance of dance
 - h) entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

where the entertainment takes place in the presence of an audience and is provided for the purpose (or for purposes which include the purpose) of entertaining that audience.

16. Subject to the qualifying conditions, definitions and the exemptions, entertainment facilities include facilities for enabling persons to take part in entertainment for the purpose of, or for the purposes that include the purpose of, being entertained:
 - a) Making music
 - b) Dancing
 - c) Entertainment of a similar description to making music or for dancing.

Small Venues Providing Dancing And Amplified Or Unamplified Music

17. In addition, subsections (1) and (2) of section 177 of the 2003 Act provide that where
 - a premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provision of “music entertainment” (live music or dancing or facilities enabling people to take part in those activities),
 - the relevant premises are used primarily for the supply of alcohol for consumption on the premises, and

- the premises have a permitted capacity limit of not more than 200 persons, any conditions relating to the provision of the music entertainment imposed on the premises licence or club premises certificate by the licensing authority, other than those set out by the licence or certificate which are consistent with the operating schedule, will be suspended, except where they were imposed as being necessary for public safety or the prevention of crime and disorder or both.

18. In addition, subsection (4) of section 177 provides that where

- a premises licence or club premises certificate authorises the provision of music entertainment (live music and dancing), and
- the premises have a capacity limit of not more than 200 persons

then, during the hours of 8am and midnight, if the premises are being used for the provision of unamplified live music or the facilities enabling people to take part in such entertainment, but no other description of regulated entertainment, any conditions imposed on the licence by the licensing authority, again other than those which are consistent with the operating schedule, which relate to the provision of that music entertainment, will be suspended.

19. Section 177 can be disapplied in relation to any condition of a premises licence or club premises certificate following a review of the licence or certificate. This means that conditions attached to the existing premises licence relating to the provision of music entertainment can be given effect at the relevant times or that new conditions may also be imposed as an outcome of the review process.

20. Accordingly, those seeking to take advantage of the exemption relating to both amplified and unamplified music entertainment need to be aware that they must hold a premises licence or club premises certificate covering the supply of alcohol for consumption on the premises and the type of regulated music entertainment involved. Examples of premises used “primarily” for the supply of alcohol for consumption on the premises would include public houses and some qualifying club premises, but would not normally include, for example, a restaurant. For the “unamplified” music exemption, any premises appropriately licensed are included, including restaurants. The area to which the 200 “capacity limit” applies concerns the area covered by the premises licence or club premises certificate and not just a part of those premises, unless separately licensed.

Late Night Refreshment

21. Late night refreshment (subject to certain exemptions) is regarded as the supply on or off any premises between the hours of 11pm and 5am of hot food or drink for consumption on or off the premises.

Personal Licences

22. Any individual may seek personal licences whether or not they have current employment or business interests associated with the use of the licence.

New Applications for Personal Licences

23. In the case of an application for a personal licence under Part 6 of the 2003 Act, the requirements are that the applicant:
- must be aged 18 or over;
 - possesses a licensing qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent) or is a person of a description prescribed by the Secretary of State by regulations;
 - must not have had forfeited a personal licence within five years of his application; and
 - a) the police have not given an objection notice about the grant of a personal licence following notification of any unspent relevant offence or foreign offence (for further details of relevant offences see Appendix Two); or
 - b) the police have given an objection notice because of a conviction for an unspent relevant offence or a foreign offence, but the licensing authority has not considered it necessary to reject the application on the prevention of crime and disorder grounds; and
 - the applicant has paid the appropriate fee to the licensing authority.
24. The issues, which arise when the holder of a personal licence becomes associated directly with particular premises covered by a premises licence by being made the “designated premises supervisor” for those premises, are dealt with below. The Council will not consider such matters when considering an application for a personal licence.
25. In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a Criminal Record Bureau certificate, which should have been copied to Cleveland Police with the application.
26. The Council will liaise closely with Cleveland Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act. Where an applicant is found to have an unspent conviction for a relevant or foreign offence, and the police object to the application on the prevention of crime and disorder grounds, the applicant is entitled to a hearing before the Licensing Committee or one of its sub-committees.
27. The refusal of the application will be the normal course unless there are, in the opinion of the Licensing Committee, exceptional and compelling circumstances that justify granting the application.
28. If an application is refused for any reason, the applicant will be entitled to appeal against the decision (see page 35 for further details). Similarly, if the application is

granted despite a police representation, the Chief Officer of Police is entitled to appeal against the licensing authority's determination. The Council will therefore record full reasons for any decision that they make.

Designated Premises Supervisors

29. The sale of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of entertainment and late night refreshment. This is why individuals who may be engaged in making such sales require a personal licence. The main purpose of the "designated premises supervisor" as described in the Act is to ensure that there is always one specified individual, among these personal licence holders, who can be readily identified at the premises. The premises licence holder would normally have given that person day-to-day responsibility for running the premises.
30. The designated premises supervisor will therefore occupy a pivotal position. The designated premises supervisor will usually directly provide management supervision. By designating the premises supervisor in the premises licence it will usually, in practice, be clear who is in day-to-day charge of the premises. However the designated premises supervisor does not have to be present at the premises at all times.
31. The police are able to object to the designation of a new premises supervisor where, in exceptional circumstances, they believe the appointment would undermine the prevention of crime and disorder objective set out in the Act. Police intervention is permitted under the Act where a particular designated premises supervisor is first appointed or transfers into particular premises and this combination gives rise to exceptional concerns.
32. For example, this could occur where a personal licence holder has been allowed by the courts to retain his licence despite convictions for selling alcohol to minors and transfers into premises which have a degree of notoriety for underage drinking. Another example might be where an individual with convictions for possession of drugs intends to be specified as the designated premises supervisor at premises with a history of drugs problems.
33. Where the police do object, the Council will arrange for a hearing at which the issue can be considered and both parties may put their arguments. The Council will give such hearings priority. The Act provides that the applicant may apply for the individual to take up his post immediately and in such cases, the issue would be whether the individual should be removed. The Licensing Committee considering the matter will confine their consideration to the issue of crime and disorder. They will give comprehensive reasons for their decision and either party would be entitled to appeal if their argument is rejected (see page 35 for further details).
34. Where a designated premises supervisor is to be newly specified, the normal course will be for the premises licence holder to apply to the Council (including an application for immediate effect) and show that the individual concerned consents to taking on this responsible role; and to notify the police of the application.

Premise Licences

35. In determining whether any premises needs to be licensed, the following parts of the 2003 Act are relevant:
- section 1 which outlines the licensable activities;
 - Part 3 which outlines provisions relating to premises licences;
 - Part 4 which outlines provisions for qualifying clubs;
 - section 173 which provides that activities in certain locations are not licensable;
 - section 174 which provides that premises may be exempted on grounds of national security;
 - section 175 which provides that minor raffles and tombolas involving prizes of alcohol are not to be treated as licensable if certain conditions are fulfilled;
 - section 176 which prohibits the sale of alcohol at motorway service areas, and restricts the circumstances in which alcohol may be sold at garages;
 - section 189 which makes special provision regarding the licensing of vessels, vehicles and moveable structures;
 - section 190 which provides that, where the place where a contract for the sale of alcohol is made, is different from the place where the alcohol is appropriated to the contract, then for the purposes of the Act, the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract;
 - section 191 which defines “alcohol” for the purposes of the Act;
 - section 192 which defines the meaning of “sale by retail” for the purposes of the Act;
 - section 193 which defines, among other things, “premises”, “vehicle”, “vessel” and “wine”; and
 - Schedules, 1 and 2 which define provision of, regulated entertainment and late night refreshment.

New Applications For Premises Licences

36. Any person (if an individual aged 18 or over), who is carrying on or who proposes to carry on, a business which involves the use of premises (which includes any place including one in the open air) for licensable activities, may apply for a premises licence either on a permanent basis or for a time-limited period. “A person” in this context includes, for example, a business or a partnership.
37. An application can be made to the Council for any place used for licensable activities or recognised club activities within its area and the application must be accompanied by:

- a) The required fee;
 - b) An Operating Schedule;
 - c) A plan of the premises; and
 - d) If it is intended to sell alcohol, a form of consent given by the person the applicant wishes to have specified in the Premise Licence as the Premises Supervisor.
38. The applicant will also be required to notify, and enclose a copy of the application to, all responsible authorities for the Stockton on Tees Licensing Authority area. These include:
- a) The Chief Officer Of Police;
 - b) The Fire Authority;
 - c) The Environmental Health Unit of Stockton on Tees Borough Council;
 - d) The Trading Standards Service of Stockton on Tees Borough Council;
 - e) The Planning and Environment Unit of Stockton on Tees Borough Council, and;
 - f) Stockton Local Safeguarding Children Board c/o The First Contact Unit, Children, Education & Social Care of Stockton on Tees Borough Council.
39. The Operating Schedule must include a statement of:
- a) The relevant licensable activities;
 - b) The times during which the applicant proposes that the relevant licensable activities are to take place;
 - c) Any other times during which the applicant proposes that the premises are to be open to the public;
 - d) Where the applicant wishes the licence to have effect for a limited period, that period;
 - e) Where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor and a copy of his or her Personal Licence;
 - f) Where the relevant licensable activities include the sale by retail of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both;
 - g) The steps which the applicant proposes to take to promote the licensing objectives; and
 - h) Any other prescribed matters.

Preparing The Operating Schedule

40. In considering the steps to be taken to promote the licensing objectives the applicant should have regard to the factors for consideration (see Appendix One) and recommended practice would be to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications:
- a) An operating schedule should include information, which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory.
 - b) For example, it should include a description of the style and character of the business to be conducted on the premises (e.g. a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers).
 - c) Where alcohol is being sold for consumption on the premises in public houses, bars and nightclubs, it would also be valuable to know the extent to which seating is to be provided because research has shown that the amount of seating can be relevant to the prevention of crime and disorder.
 - d) It should also indicate the type of activities available on the premises, whether licensable under the 2003 Act or not. While “a performance of dance” with the exception of Morris dancing is a licensable activity, the type of dancing, which is unaffected by the licensing requirement, may give rise to issues concerning the steps needed to protect children from harm and more generally conditions which would be appropriate. An operating schedule should therefore describe the type of dancing in broad terms and disclose if the dancing involves striptease or lap-dancing. Similarly, if dancing is to take place, it should be clear whether this would involve dancing by members of the public or by professional performers or both and in what setting.
 - e) If music is to be provided, it is important that clear indication is given of the type of music to be provided.
 - f) This type of information is essential so that responsible authorities and interested parties can form a proper view as to what measures may be necessary to ensure public safety and prevent public nuisance.

Steps To Promote The Licensing Objectives

41. In preparing an operating schedule, it is recommended that applicants should be aware of the expectations of the Council and the responsible authorities with regard to the steps that are necessary for the promotion of the licensing objectives.
42. This does not mean that applicants must check their operating schedules with responsible authorities before submitting them, but when uncertain, the responsible authorities can provide expert advice on matters relating to the licensing objectives. For example, the best source of advice on the prevention of crime and disorder is the local police.
43. In preparing operating schedules, applicants should have regard to this statement of licensing policy and the guidance issued by the Secretary of State. All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively.
44. To minimise the burden on the Council and applicants, it may be sensible for

applicants to seek the views of the key responsible authorities before formally submitting applications and having completed drafts of their own operating schedules (after considering the effect on the four licensing objectives).

45. For example, on matters relating to crime and disorder, the police and local authority community safety officers, and local community groups, might be consulted and on matters relating to noise, local environmental health officers might be consulted. Such co-operative effort should minimise the number of disputes, which arise in respect of operating schedules.
46. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives that they have set out in the operating schedule will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.
47. Where permission is to be sought for regulated entertainment involving the provision of live music or other cultural activity, applicants may wish to consider consulting the local authority arts officer or local representatives of the Musicians' Union before completing their operating schedule.
48. The steps to be taken should be both realistic and within the control of the applicant and management of the premises. If a licence is granted with conditions attached requiring the implementation of such steps, the conditions will be enforceable in law and it will be a criminal offence to fail to comply with them (under section 136 of the 2003 Act). As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises.
49. In respect of some premises, it is entirely possible that no measures will be needed to promote one or more of the licensing objectives, for example, because they are adequately dealt with by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that it is proposed to take to promote each of the licensing objectives and, in particular, the protection of children from harm.

Club Premise Certificates

50. The Council may issue a "Club Premises Certificate" to a qualifying Club. The Certificate will specify that the premises may be used for one or more of the 'recognised Club activities' and that the Club is a qualifying Club in relation to each of those activities.
51. Recognised Club activities are:
 - a) The supply of alcohol by or on behalf of the Club to or to the order of a member of the Club;
 - b) The sale by retail of alcohol by or on behalf of a Club to a guest or a member of the Club;
 - c) The provision of regulated entertainment where that provision is by or on behalf of the Club for members of the Club or members of the Club and their guests.
52. The Club is a qualifying Club in respect of the recognised activities provided that, under the rules of the Club, a person may not be admitted to membership, or be admitted as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership or their admission. People becoming members without nomination or prior application may not be admitted to the privileges of membership without an interval of two days between them becoming members and their admission.
53. The Club must be established and conducted in good faith as a Club and have a minimum of 25 members.
54. A Club can apply for a Club Premises Certificate in respect of premises, which are occupied by, and habitually used for the purposes, of the Club. The application must be accompanied by:
 - a) The relevant fee;
 - b) The Club Operating Schedule;
 - c) A plan of the premises;
 - d) A copy of the rules of the Club;
 - e) Evidence that the Club is a qualifying Club in relation to each of the recognised Club activities to which the application relates.
55. The applicant will also be required to notify, and enclose a copy of the application to, all responsible authorities for the Stockton On Tees Licensing Authority area. These include:
 - a) The Chief Officer Of Police;
 - b) The Fire Authority;
 - c) The Environmental Health Unit of Stockton on Tees Borough Council;

- d) The Trading Standards Service of Stockton on Tees Borough Council;
 - e) The Planning and Environment Unit of Stockton on Tees Borough Council, and;
 - f) Stockton Local Safeguarding Children Board c/o The First Contact Unit, Children, Education & Social Care of Stockton on Tees Borough Council
56. The Club Operating Schedule must contain the following:
- a) Details of the recognised Club activities to which the application relates;
 - b) The times during which it is proposed the recognised Club activities take place;
 - c) Any other times during which it is proposed the premises are open to members and their guests;
 - d) The steps which it is proposed to take to promote the licensing objectives; and
 - e) Any other prescribed matters.
57. In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to the factors for consideration (see Appendix One) and will be expected to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications.
58. Club Premises Certificates will be dealt with in a similar manner as applications for Premise Licences.

Provisional Statements

59. Where premises are being constructed for the purpose of being used for one or more licensable activities or are being extended or otherwise altered for that purpose (whether or not they are already being used for that purpose) a person may apply for a Provisional Statement if they have an interest in the premises and, if an individual, they are aged 18 years or over.
60. An application for a Provisional Statement must be accompanied by a schedule of works that includes details of the licensable activities for which the premises will be used; a plan of the premises; and such other information as may be prescribed.
61. Applications for Provisional Statements will be dealt with in a similar manner as applications for a Premise Licence.
62. If a Provisional Statement has been issued and the person subsequently applies for a Premises Licence in respect of the premises, a part of them or premises which are substantially the same as the relevant premises (or part of them) and the application is in the same form as the Licence described in the Schedule of Works accompanying the application for that statement has been satisfactorily completed then any representations made by a person shall not be taken into account if:
 - a) Given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but had failed to do so without reasonable excuse; and,
 - b) There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

Variations of Licences/Certificates

63. Applications to vary a Premise Licence or a Club Premise Certificate will be dealt with in a similar manner to applications for a new Licence. If relevant representations are not received the application for variation will be granted.
64. If relevant representations are made and not withdrawn the Council will hold a hearing and at that hearing the Council may:
 - a) Modify the conditions of the Licence; or
 - b) Reject the whole or part of the application.
65. The Licence/Certificate will not be varied so as to:
 - a) Extend the period for which the Licence/Certificate has effect; or
 - b) To vary substantially the premises to which it relates.
66. The Council may vary a premise licence or club premise certificate so that it has effect subject to different conditions in respect of:
 - a) Different parts of the premises concerned; and
 - b) Different licensable activities.

Transfer of Premises Licences

67. The following people may apply for the transfer to them of a Premise Licence:
- a) A person whom carries on, or proposes to carry on, a business, which involves the use of a premise for the licensable activities, authorised by the Premise Licence;
 - b) Any person who makes the application in pursuance of one or more of its statutory functions which relate to those licensable activities;
 - c) A relevant Club within the meaning of the Act;
 - d) A charity;
 - e) An educational institution;
 - f) A hospital; or
 - g) A person of such other description as may be prescribed.
68. Notice of the application must be given to the Police.
69. If the Police consider the granting of the application would undermine the prevention of crime and disorder objective, the Council will consider their reasons for that decision and will reject the application, if the Council consider it necessary for the promotion of the prevention of crime and disorder objective to do so.
70. An application for a transfer of a Licence can contain a request that the transfer has immediate effect. Such a request can only be made with the consent of the holder of the Premise Licence, unless the applicant has taken all reasonable steps to obtain that consent, and would be in a position to use the premises while the application is pending, for the licensable activities authorised by the Premises Licence.
71. A full transfer of the Licence can only be made with the consent of the Premise Licence Holder unless identical circumstances apply.
72. In the event of a death, incapacity or insolvency of a Licence Holder and where no Interim Authority Notice has been given, provided that an application is made within 7 days after the Licence lapsed, a person can make an application for the transfer of the Licence to him and the Licence shall be reinstated from the time the application is received by the Council.

Interim Authorities

73. Generally a Licence will remain in force for as long as the Licensee continues to operate the business unless it is revoked or it is specified it has effect for a limited period and that period expires. However, if the holder of a Premise Licence dies, becomes mentally incapable or becomes insolvent then the Licence will lapse.
74. If, within a seven day period of such circumstances, a person who had an interest in the premises concerned, or is connected to the person whom held the Premise Licence immediately before it lapsed gives the Council an 'Interim Authority Notice' the Licence will be reinstated for a two-month period.
75. At the end of the two months it will lapse unless an application for a transfer of the Licence is made.
76. A person is connected to the former holder of a Premise Licence if, and only if:
 - a) The person is the personal representative in the event of the holder's death;
 - b) In respect of someone who has become mentally incapable the person is acting under section 6 of the Enduring Powers of Attorney Act 1985; or,
 - c) In the event of insolvency the person is acting as an Insolvency Practitioner.
77. Interim Authority Notices must also be served on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime and disorder objective the Council will arrange a hearing to consider the Notice.

Temporary Events Notices

78. Temporary Event Notices are subject to various limitations. These are concerned with:
- a) duration - they are limited to events lasting for up to 96 hours;
 - b) scale – they cannot involve the presence of more than 499 people at any one time;
 - c) use of the same premises – the same premises cannot be used more than 12 times or 15 days in a single period of 12 months;
 - d) the number of notices given by one individual within a given period of time – a personal licence holder is limited to 50 notices in the same year, and an ordinary person to five notices in a similar period.
79. In any other circumstances, a temporary event at which licensable activities are to take place would require a premises licence if the premises or place at which the event is to take place is currently unlicensed for the activity or activities involved. The procedures for applying for and granting such a licence are identical to those for a permanent licence.
80. The Council will clearly specify on such a licence when it comes into force and when the permission ends. Where the sale of alcohol is involved, there will need to be a designated premises supervisor specified who is a personal licence holder.
81. The most important aspects of the system of temporary event notices are that no permission is required for these events from the Council. In general, only the police may intervene to prevent such an event or modify the arrangements for such an event. The Council will only ever intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.
82. Such a light touch is possible because of the limitations directly imposed by the Act itself. The limitations apply to:
- a) the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
 - b) the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
 - c) the length of time a temporary event may last for these purposes (96 hours);
 - d) the maximum aggregate duration of periods covered by temporary events notices at any individual premises (15 days); and
 - e) the scale of the event in terms of the maximum number of people attending at any one time (less than 500).
83. In any other circumstances, a full premise licence or club premises certificate would be required for the period of the event involved. A person may also choose to apply for a premises licence if they do not wish to take advantage of the light touch arrangements.

84. Many premises users giving temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, schools, churches and hospitals, all of which may stage public events to raise funding at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for these groups.

Where there is a personal licence holder involved

85. A personal licence holder will be able to sell alcohol at normally unlicensed premises on 50 occasions in each year for up to four days on each occasion, subject to informing the Council and Cleveland Police of relevant details. These details are:
- a) the licensable activities to take place during the event;
 - b) the period during which it is proposed to use the premises for licensable activities;
 - c) the times during the event period that the premises user proposes that the licensable activities shall take place;
 - d) the maximum number of persons which it is proposed should, during those times, be allowed on the premises at the same time;
 - e) where the licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises or both; and
 - f) any other prescribed matters.
86. On each occasion at least 10 working days notice must be given, but there is nothing to prevent simultaneous notification of multiple events at a single time so long as the first event is at least ten days away. For example, an individual personal licence holder wishing to exhibit and sell beer at a series of country shows may wish to give several notices simultaneously. However, this would only be possible where all the events are to take place in the Borough of Stockton on Tees.
87. Ten working days is the minimum possible notice that may be given. The Council will publicise locally their preferences in terms of proper notice and would encourage notice givers to provide the earliest possible notice of events likely to take place.
88. The Council will not seek to attach any terms, limitations or restrictions on such events other than those set down in the legislation. However the Council will provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution or the building of temporary structures; of other necessary permissions, for example, with regard to road closures or the use of pyrotechnics in public places; with regard to local bye-laws; and the need to prevent anti-social behaviour by those attending.

89. Local publicity will also remind notice givers of relevant offences under licensing law including the laws governing sales of alcohol to minors or to any person who is drunk, and of the police powers to close down events with no notice on grounds of disorder, the likelihood of disorder or the cause of public nuisance, including noise emanating from the premises.
90. A purpose of the notification requirement is to enable the Council to check that the limitations set down in the Act are being observed and to intervene if they are not. Where the application is not within the parameters described above, the Council will issue a counter notice to the person giving the notice. Where the notice is in order, the fee prescribed by the Secretary of State paid, the event falls within the limitations in the Act, and there has been no Police intervention, the Council will record the notice in its register and send an acknowledgement to the premises user.

Police intervention

91. The second and more important purpose is to afford the police the opportunity to consider whether, exceptionally, they should prevent the event taking place for reasons of preventing crime and disorder or insist on certain conditions. Such exceptional cases might arise because of concerns about the scale, location or timing of the event.
92. The Act provides that in exceptional circumstances, the police may issue an objection notice because they believe the event would undermine the prevention of crime and disorder objective set out in the Act. The Police must issue any objection notice within 48 hours of being notified, but they can subsequently withdraw their counter notice. If the Police do not intervene, they will still be able to rely on their powers of closure should disorder or disturbance subsequently arise. The issuing of such an objection notice requires the consideration of the objection by the Council at a hearing. Consideration by the licensing authority is confined to the crime prevention objective. The Council will not, for example, uphold a Police objection notice on grounds of public nuisance. At the hearing, the Police and the premises user may put argument to the relevant Licensing Committee. A hearing would not be necessary if the Police withdrew the objection notice.
93. The possibility of Police intervention is another reason why event organizers are encouraged by the Council not to rely on giving the minimum amount of notice and to contact local Police Licensing Officers at the earliest possible opportunity about their proposals.

Additional limitations

94. The Council, on receiving temporary event notices, will also check that other requirements of the Act are met. For example, a temporary event notice would be void unless there is a minimum of 24 hours between events notified by the premises user in respect of the same premises. This is to prevent evasion of the 96-hour limit on such events, and emphasise the need to obtain a full premises licence for more major events. In addition, for these purposes, a notice is treated as being from the same premises user if an associate gives it.

95. The Act defines an associate as being:
- a) the spouse of that person;
 - b) a child, parent, grandchild, grandparent, brother or sister of that person or their spouse; or
 - c) an agent or employee of that person or their spouse;
96. A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

Large Scale Temporary Events Requiring Premises Licences

97. A premises licence may be sought for a short, discrete period. The 2003 Act also provides for the giving of temporary event notices. Temporary event notices are subject to various conditions and limitations. These concern:
- duration – they are limited to events lasting for up to 96 hours (this relates to the period during which licensable activities may be carried on, and does not relate to preparation and setting up time, packing away or clearing up time);
 - scale – they cannot involve the presence of more than 499 people at any one time;
 - use of the same premises – the same premises cannot be used on more than 12 occasions in any calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used; and
 - the number of notices given by one individual within a given period of time – a personal licence holder is limited to 50 notices in one year, and any other person to five notices in the same period.
98. If these conditions are not fulfilled, a temporary event at which licensable activities are to take place may not be a permitted temporary activity carried on under the authority of a temporary event notice but would require a premises licence, if the premises or place at which the event is to take place is currently unlicensed for the activity or activities involved. The procedures for applying for and granting such a licence are identical to those for an unlimited duration premises licence except that it should be stated on the application that the period of the licence will be limited.
99. The Council will clearly specify on such a licence when it comes into force and when the permission ends. Where the sale of alcohol is involved, there will need to be a designated premises supervisor specified who must be a personal licence holder.
100. Temporary events may range from relatively small local events, like fairs, which may last for four or five days, to major pop festivals lasting only one day. Despite the temporary duration of such major events, they can attract huge crowds of more than 100,000 and the risks to public safety and to crime and disorder as well as public nuisance may be considerable.
101. The Council expects applicants to give them early notice of such major events to allow responsible authorities to discuss operating schedules with the organisers well before a formal application is submitted. Many of these events will give rise to special considerations in respect of public safety. Applicants are advised to submit their applications at least six months in advance of the event.
102. Operating schedules should therefore reflect an awareness of these matters and in particular, advice given in the following documents will be relevant:
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999)(“The Purple Book”) ISBN 0 7176 2453 6
 - Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

- 5 Steps to Risk Assessment: Case Studies (HSE 1998)
ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997)
("The Green Guide") ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through
www.streetartsnetwork.org.uk/pages/publications.htm.

Relevant Representations

103. If relevant representations are made about an application, the Council will hold a hearing to consider them, unless the Council, the applicant and everyone who has made representations agrees that the hearing is not necessary.
104. 'Relevant representations' are representations:
- a) About the likely effect of the Premise Licence on the promotion of the licensing objectives;
 - b) Are made by an interested party or a responsible Authority, have not been withdrawn and, in the case of representations made by an interested party, they are not, in the Council's opinion, frivolous or vexatious
105. 'Interested Party' means any of the following:
- a) A person living in the vicinity of the premises;
 - b) A body representing persons who live in that vicinity;
 - c) A person involved in a business in that vicinity;
 - d) A body representing persons involved in such a business; or
 - e) A member of the licensing authority.

(See also paragraphs 108 to 117 below)

Reviews

106. Reviews of premise licences represent a key protection for the community where problems associated with disorder, public safety or disturbances are occurring. If relevant representations are made about a current licence the Council will hold a hearing to consider them, unless the Council, the applicant and everyone who has made representations, agree that the hearing is not necessary.
107. In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be made at the hearing.

Relevant Representations

108. 'Relevant representations' are representations:
- a) About the effect of the Premise Licence on the promotion of the licensing objectives;
 - b) Are made by an interested party or a responsible authority; have not been withdrawn and, in the case of representations made by an interested party, they are not, in The Council's opinion, frivolous or vexatious.
109. Where the request originates with an interested party – i.e. any of the following:
- a) A person living in the vicinity of the premises;
 - b) A body representing persons who live in that vicinity;
 - c) A person involved in a business in that vicinity;
 - d) A body representing persons involved in such a business; or
 - e) A member of the licensing authority.
- the licensing authority must first consider whether the complaint made is not relevant, vexatious, frivolous or repetitious.
110. A representation would only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not "relevant" for the purposes of the 2003 Act. It is not intended, for example, that the consideration of the application should be a re-run of the planning application, which would have considered a wider range of matters. Premises licences authorise the activities within the scope of the 2003 Act that it is proposed should take place on the premises.
111. For example, a representation from a local businessman which argued that his business would be commercially damaged by the new business for which an application is being made under Part 3 of the 2003 Act would not be relevant. On the other hand, a representation to the effect that nuisance caused by the new business would deter customers from entering the local area, and the steps proposed by the applicant to control that nuisance are inadequate, would amount to relevant representations and must be considered, provided the other conditions necessary to be a relevant representation were fulfilled.

112. After a premises licence has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre would generally not be regarded as relevant if it cannot be positively tied or linked by a casual connection to particular premises, which would allow for a proper review of its licence. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
113. In this context, it should be noted that the “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may only give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered: it cannot give rise to a relevant representation after a licence has been granted or varied when a review of a licence may be sought. A review must relate specifically to a particular premises licence relating to an individual premise, and by its nature “cumulative impact” relates to the indirect effect of a concentration of many premises. Identifying one for a review by reason of cumulative impact on the licensing objectives would inevitably be arbitrary.
114. A repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in respect of the same premises licence which has already been determined; or
 - representations considered by the Council when the premises licence was first granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
 - in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.
115. It is for the Council to determine on its merits whether any representation by an interested party is frivolous or vexatious. The interested party making representations may not consider the matter to be frivolous or vexatious, but the test is whether the Council is of the opinion they are frivolous or vexatious. The Council must determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous.
116. Vexation may arise because of disputes between rival businesses, and local knowledge will, therefore, be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent in order to be relevant. An interested party aggrieved by a rejection of his representations on these grounds may challenge the Council’s decision by way of judicial review.
117. Additionally a review of the licence will normally follow any action by the Police to close down the premises for up to 24 hours on grounds of disorder or public nuisance.

Determination Of Review

118. The 2003 Act provides a range of powers for the Council on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
119. The Council may decide that no action is necessary where it finds that the review does not require the taking of any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent the Council issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time.
120. The Council will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed, as part of their own stepped approach to concerns, the Council will not merely repeat that approach.
121. Where the Council considers that action under its statutory powers are necessary, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
122. In deciding which of these powers to invoke, the Council will, so far as possible, seek to establish the cause or causes of the concerns, which the representations identify. The remedial action taken will generally be directed at these causes and will always be no more than a necessary and proportionate response.
123. For example, the Council will be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it will be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

Criminal Activity

124. Where the Council is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps are necessary to be taken in connection with the premises licence for the promotion of the prevention of crime and disorder objective. It is important to recognise that certain criminal activity or associated problems may be taking place, or have taken place, despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the Council is still empowered to take any necessary steps to remedy the problems. The Council's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community, and not those of the individual holder of the premises licence.
125. It is not the role of the Council to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. At the conclusion of a review, it will be for the Council to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
126. There are certain criminal activities that may arise in connection with licensed premises, which will be treated particularly seriously. These are the use of the licensed premises:
- for the sale, supply or possession for supply and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale, supply or possession for supply and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or for the sale, supply or possession for supply of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - in connection with offences of dishonesty, e.g. handling stolen goods;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for unlawful gaming and gambling; and
 - for the sale, supply or possession for supply of smuggled tobacco and alcohol.

127. It is envisaged that the Council, the Police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the Council determines that the prevention of crime and disorder objective is being undermined through the premises being used to further crimes, revocation of the licence – even in the first instance – will be seriously considered.
128. It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the prevention of crime and disorder objective and justifiably give rise to a review.

Appeals

129. Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 of the 2003 Act.
130. Other than in the case of personal licences, an appeal has to be made to Teesside Magistrates' Court. In the case of personal licences, the appeal must be made to the Magistrates' Court for the area in which the licensing authority (or any part of it) is situated.
131. An appeal has to be commenced by the giving of a notice of appeal by the Appellant to the Justices' Chief Executive for the Magistrates' Court within a period of 21 days, beginning with the day on which the Appellant was notified by the Council of the decision appealed against.
132. The Council will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant against the representations of a responsible authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a respondent.
133. On determining an appeal, the court may:
 - a) dismiss the appeal;
 - b) substitute for the decision appealed against any other decision which could have been made by the Council; or
 - c) remit the case to the Council to dispose of it in accordance with the direction of the court.
134. The court may make such order as to costs as it thinks fit.

Giving reasons for decisions

135. In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will also ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 182.

Implementing the determination of the Magistrates' Courts

136. As soon as the determination of the Magistrates' Courts has been promulgated, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an on-going judicial review). The Act provides for no further appeal against the determination of the Magistrates' Courts.

Enforcement

137. Where necessary, enforcement action will be taken in accordance with the principles of the Enforcement Concordat and the Council's Regulatory Services Enforcement Policy. The Council will continue to work with other enforcement agencies, such as the Police and Fire Services, on enforcement issues, to provide for a more efficient deployment of local authority staff and agency officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. In particular, providing for the targeting of agreed problem and high-risk premises that require greater attention, while providing a lighter touch in respect of low-risk premises that are well run.
138. Copies of the Enforcement Concordat and the Council's Regulatory Services Enforcement Policy are available from the Trading Standards and Licensing Unit.
139. In undertaking inspection of premises holding licences, the Council has initially designated the following categories of risk weighting:
- a) Stockton Town Centre and Yarm High Street/Centre (public houses & nightclubs) - high risk
 - b) Other Town Centres (public houses & nightclubs) - medium risk
 - c) Tall Trees (nightclub) - medium risk
 - d) Other existing sites, suburban and rural - medium or low risk, depending on history
 - e) Site where the primary purpose is serving food, and alcohol is purely ancillary - low risk
 - f) New sites not in (a) or (b) - to be assessed, depending on the location and style of operators.

Appendix One

Factors For Consideration

General

1. In considering the steps to be taken to promote the licensing objectives the applicant should have regard to the factors for consideration and recommended practice would be to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications.
2. When producing their Operating Schedule the applicant should give full details how their proposals will meet and enhance the licensing objectives.
3. Applicants for licences will be expected to have taken local crime prevention strategies, planning and transportation policies and tourism and cultural strategies into account in determining their operating plans.
4. Where there is evidence that a particular area of the Borough is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this will be taken into account in determining any further applications for premises within the area identified.
5. As such, the Council will take into account:
 - a) The character of the surrounding area;
 - b) The impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
 - c) The nature and character of the proposed operation.
6. The Council will consider, for all licence applications, the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder having regard to all the circumstances of the case, and will particularly consider the following:
 - a) The steps the applicant has taken, or proposes, to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of sound proofing, air conditioning, acoustic lobbies and sound limitation devices;
 - b) The steps the applicant has taken, or proposes, to prevent disturbance by patrons arriving at or leaving the premises;
 - c) The steps the applicant has taken, or proposes, to prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction;
 - d) The steps the applicant has taken, or proposes, to ensure staff leave the premises quietly;
 - e) The arrangements made, or proposed, for parking by patrons, and the effect of parking on local residents;
 - f) Whether there is sufficient provision for public transport for patrons;

- g) Whether taxis and private hire vehicles serving the premises are likely to disturb local residents;
- h) Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises;
- i) Whether other measures to prevent nuisance have been taken, such as the use of CCTV or the employment Security industry Authority (SIA) registered security teams to control entry;
- j) The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures;
- k) The likelihood of any violence, public disorder or policing problem arising if a licence were to be granted;
- l) If the applicant has previously held a licence within the Borough, the history of any enforcement action arising from that premises; and
- m) Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- n) The steps the applicant has taken to ensure that no person shall be refused admission to the premises on the grounds of age (unless an age related event), sex (unless a single-sex event), sexual orientation, disability, race, colour, religion, or ethnic or national origins and that the management comply with all race relations, equal opportunities and anti-discrimination legislation.

Premises Selling Alcohol

- 7. The Council recognises that moderate drinking is enjoyed by many residents and visitors, and makes a significant contribution to the national and local economy, and is therefore supports the ready availability of alcohol to adults who will use it responsibly.
- 8. However, the Council is also aware of the potential for harm from excessive alcohol consumption, in relation to:
 - a) individual health;
 - b) the environment - vandalism, littering (bottles and cans), vomiting and urinating in public places etc.;
 - c) drink driving;
 - d) accidents in public places, homes and workplaces;
 - e) domestic violence;
 - f) assaults which place strains on NHS resources;
 - g) crime, disorder and anti-social behaviour (including drunken shouting and other intimidating behaviour).

9. The supply of alcohol on licensed premises will not be permitted:
 - a) at any time where there is no designated Premises Supervisor in respect of the premises licence; or
 - b) at a time when the designated Premises Supervisor does not hold a personal licence or that licence is suspended.
10. Every supply of alcohol made under the premise licence must be made or authorised by a person whom holds a personal licence.

Premises Selling Alcohol For consumption off the premises

11. Shops, stores and supermarkets selling alcohol will normally be permitted to match their normal trading hours with the hours during which other sales take place unless there are exceptional reasons relating to disorder or disturbance.
12. Where representations are made by the Police about premises that may be a focal point for disturbance because young people congregate there and engage in anti social behaviour, or may pressurise shop staff to make unlawful sales of alcohol the Council will consider a restriction on trading hours for alcohol as one mechanism of combating such problems.
13. The Council encourages the adoption of the Responsible Retailing of Alcohol: Guidance For The Off-Trade, available at <http://www.brc.org.uk/showDoc.asp?id=2274>

Premises Selling Alcohol For consumption on the premises

14. The Council will take into account any evidence that customers who are already drunk and incapable of maintaining reasonable standards of behaviour have been served with further alcohol.
15. The Council will scrutinise particularly closely any applications which appear to be for premises operated in such a manner as to encourage excessive and/or binge drinking (e.g. those offering 'as much as you can drink' deals and 'vertical drinking' establishments which provide no seating).
16. The Council encourages adoption locally of voluntary industry codes of practice, which cover irresponsible drinks promotions such as that produced by the British Beer and Pub Association (the BBPA's Guidelines on On-Trade Promotions, available at http://www.beerandpub.com/download.asp?id_Doc=364).
17. When considering any relevant representations from responsible authorities, such as the Police, or interested parties, such as local residents, which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or in the vicinity of the premises, the Council will consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises.
18. Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Research shows that the environment within such

establishments can have a significant bearing on the likelihood of crime and disorder arising on the premises. Key points on preventing crime and disorder include:

- controlling the capacity to prevent overcrowding and frustration to customers;
 - ensuring adequate seating for customers; and
 - ensuring the provision of door security teams at the premises to control capacity and ensure already drunk or disorderly individuals are not admitted.
19. Where necessary and appropriate, conditions will be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations made on such grounds), which require adherence to:
- a prescribed capacity;
 - an appropriate ratio of tables and chairs to customers based on the capacity; and
 - the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.
20. The Council will also look closely at any evidence of involvement in sale of alcohol either directly to minors or indirectly, via adult intermediaries, in cases where the vendor could reasonably have been expected to predict the outcome but failed to take appropriate action.
21. The Council will be particularly concerned to prevent the exposure of children to drunkenness, whether on the part of their own parents or carers or of others. This will depend in particular on the times at which children are to be admitted to licensed premises, in combination with the overall style or ethos of the establishment.
22. The Council recognises the problems that fixed and artificially early closing time can promote and would encourage the holders of Premise Licences to stagger their closing times. Applicants will be required to show how they have considered the four licensing objectives when determining their closing times, in particular having regard to the style, characteristics and activities at the premises concerned.
23. The Council recognises the growing concerns over the malicious tampering of drinks. Licencees will be expected to cooperate with any measures or initiatives introduced to increase awareness/reduce the incidence of such practices, e.g. take part in awareness campaigns, assist with prosecutions where incidents occur on their premises, taking deterrent measures such as the banning of known offenders etc.

Premises Providing Late Night Refreshment

24. The Council encourages premises providing late night refreshment for consumption off the premises to adopt the code of practice 'Reducing litter caused by 'food on the go' - a voluntary code of practice for local partnerships' which can be found at <http://www.defra.gov.uk/environment/localenv/litter/pdf/fastfoodcop.pdf>

Examples Of Suitable Conditions

25. The Council will supply, on request, a list of licence conditions used on premise licences/club certificates to promote the four licensing objectives.

Useful Links

Stockton on Tees Trading Standards and Licensing Website

<http://www.tradingstandards.gov.uk/stockton>

Department of Culture Media and Sport - Alcohol & Entertainment

http://www.culture.gov.uk/what_we_do/Alcohol_entertainment

Section 182 Guidance

http://www.culture.gov.uk/Reference_library/Publications/archive_2006/revisedguide_section182.htm

HMSO – Licensing Act 2003

<http://www.hmso.gov.uk/acts/acts2003/20030017.htm>

Responsible Retailing of Alcohol: Guidance For The Off-Trade

<http://www.brc.org.uk/showDoc.asp?id=2274>

Managing safely in Pubs & Clubs etc

http://www.beerandpub.com/content.asp?id_Content=2997&id_ContentType=1

Reducing Litter Caused By 'Food On The Go' - A Voluntary Code Of Practice For Local Partnerships

<http://www.defra.gov.uk/environment/localenv/litter/pdf/fastfoodcop.pdf>

Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)

<http://www.abtt.org.uk/pages/about/publications.php>

The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6

http://www.hsebooks.com/Books/product/product.asp?catalog_name=HSEBooks&category_name=&product_id=3336&cookie%5Ftest=1

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

<http://www.hsebooks.com/Books/product/product.asp?catalog%5Fname=HSEBooks&category%5Fname=&product%5Fid=2632>

Point of Sales promotions 2005

http://www.beerandpub.com/content.asp?id_Content=894

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances

<http://www.streetartsnetwork.org.uk/publications/index.php>

The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1

<http://www.abtt.org.uk/pages/about/publications.php>

Useful Contacts	Name	Contact Details
Application Packs and Guidance Notes	Licensing Administration	Licensing Administration Trading Standards & Licensing Stockton on Tees Borough Council 16 Church Road Stockton on Tees TS18 1TX Telephone: (01642) 526558 e-mail: licensing.administration@stockton.gov.uk
Policy Related Issues	David Kitching	Trading Standards & Licensing Manager Stockton on Tees Borough Council 16 Church Road Stockton on Tees TS18 1TX Telephone: (01642) 526530 e-mail: dave.kitching@stockton.gov.uk
Technical Issues	Licensing Enforcement	Trading Standards & Licensing Stockton on Tees Borough Council 16 Church Road Stockton on Tees TS18 1TX Telephone: (01642) 526568 e-mail: licensing.services@stockton.gov.uk
Transport Plan	Robert Farnham	Local Transport Plan Manager Technical Services Stockton on Tees Borough Council PO Box 229 Kingsway House, West Precinct Billingham Telephone: (01642) 526729 e-mail: rob.farnham@stockton.gov.uk
Environment Matters i.e. Noise, Health & Safety, Food	Colin Snowdon	Environmental Health Manager Stockton on Tees Borough Council 16 Church Road Stockton on Tees TS18 1TX Telephone: (01642) 526555 e-mail: colin.snowdon@stockton.gov.uk
Crime & Disorder	Marilyn Davies	Community Safety Manager Stockton on Tees Borough Council Stockton Police Station The Square Stockton on Tees TS18 1TZ Telephone: (01642) 527610 e-mail: marilyn.davies@stockton.gov.uk

Useful Contacts	Name	Contact Details
Cleveland Police	Keith Daley	Divisional Licensing Unit Stockton Police Station The Square Stockton on Tees Telephone: (01642) 302360 e-mail: keith.daley@cleveland.pnn.police.uk
Cleveland Fire Service	Fire Safety Division	Cleveland Fire Brigade Fire Safety Division Endeavour House Stockton Road Hartlepool Telephone: (01429) 872311 e-mail: hpfs@clevelandfire.gov.uk
Protection of Children From Harm	First Contact Officer	Stockton Local Safeguarding Childrens Board C/O First Contact Unit Children, Health & Social Care Advice Centre Bath Lane Stockton on Tees Telephone: (01642) 415030 e-mail: firstcontact@stockton.gov.uk
Residents Associations		Stockton Residents & Community Groups Association 32 Dovecot Street Stockton on Tees TS18 1LN Telephone: (01642) 391360 e-mail: Doc@srcga.fsnet.co.uk
Planning Matters	Barry Jackson	Development Services Manager Stockton on Tees Borough Council Planning Services Gloucester House Church Road Stockton on Tees TS18 1TW Telephone: (01642) 526066 e-mail: barry.jackson@stockton.gov.uk
Building Control Matters	Raymond Sullivan	Building Control Manager Stockton on Tees Borough Council Planning Services Gloucester House Church Road, Stockton on Tees TS18 1TW Telephone: (01642) 526040 e-mail: raymond.sullivan@stockton.gov.uk

Useful Contacts	Name	Contact Details
Trading Standards Matters	Jimmy Jones or Lorraine Wilford	Principal Trading Standards Officer Stockton on Tees Borough Council 16 Church Road Stockton on Tees TS18 1TX Telephone: (01642) 526560 e-mail: trading.standards@stockton.gov.uk
Safer Stockton Partnership	Mike Batty (Secretary)	C/O Stockton on Tees Borough Council Community Protection Division PO Box 232 16 Church Road Stockton on Tees TS18 1XD Telephone: (01642) 527075 e-mail: mike.batty@stockton.gov.uk
CCTV	Michael McLone	Assistant Head of Security Services Stockton on Tees Borough Council Surveillance Centre The Square Stockton on Tees Telephone: (01642) 527608 e-mail: michael.mclone@stockton.gov.uk
Drugs Action Team		Drugs Action Team Health & Social Care Stockton on Tees Borough Council Tithebarn House Stockton on Tees Telephone: (01642) 5288861 e-mail: drugactionteam@stockton.gov.uk
Care For Your Area (Cleansing)	Richard Bradley	Care for Your Area Stockton on Tees Borough Council Cowpen Lane Depot Cowpen Lane Billingham TS23 4DD Telephone: (01642) 527739 e-mail: richard.bradley@stockton.gov.uk
Cultural Strategy	Reuben Kench	Head of Arts and Culture Education, Leisure & Cultural Services Stockton on Tees Borough Council Municipal Buildings Church Road Stockton on Tees TS18 1LD Telephone: (01642) 527039 e-mail: reuben.kench@stockton.gov.uk

Useful Contacts	Name	Contact Details
Town Centre Strategy	Mark Rowell	Regeneration & Economic Development Business Development Stockton on Tees Borough Council Municipal Buildings Stockton on Tees TS18 1LD Telephone: (01642) 526010 e-mail: mark.rowell@stockton.gov.uk



Public Health
England



Protecting and improving the nation's health

Public health and the Licensing Act 2003 – guidance note on effective participation by public health teams

About Public Health England

Public Health England exists to protect and improve the nation's health and wellbeing, and reduce health inequalities. It does this through advocacy, partnerships, world-class science, knowledge and intelligence, and the delivery of specialist public health services. PHE is an operationally autonomous executive agency of the Department of Health.

Public Health England
133-155 Waterloo Road
Wellington House
London SE1 8UG
Tel: 020 7654 8000
www.gov.uk/phe
Twitter: @PHE_uk
Facebook: www.facebook.com/PublicHealthEngland

About the Local Government Association

The LGA is the national voice of local government. We work with councils to support, promote and improve local government. We are a politically-led, cross-party organisation that works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

© Crown copyright 2013

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v2.0. To view this licence, visit OGL or email psi@nationalarchives.gsi.gov.uk. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Published: October 2014

PHE publications gateway number: 2014381



Contents

About Public Health England	2
About the Local Government Association	2
Contents	3
Introduction	4
Purpose of this guidance note	4
Health as a responsible authority	5
Development and review of policy: the statement of licensing policy	6
Special policies: cumulative impact	9
Crime and disorder	11
Public safety	12
Public nuisance	13
Protection of children	14
Partnership working	15
Identifying and setting criteria for responding to applications	17
Information and information sharing	21
Presenting representations on behalf of the DPH	22
Using licensing conditions	23
Useful links and resources	23

Introduction

The Licensing Act 2003 introduced a modern, integrated scheme, administered by local authorities and covering the sale by retail of alcohol, the supply of alcohol, the provision of various forms of entertainment and the provision of late night refreshment.

The clear focus of the 2003 Act is the promotion of the four statutory objectives which must be addressed when any licensing functions are undertaken. The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm

Under the Act, a number of public bodies known as responsible authorities must be fully notified of applications and are entitled to make representations to the licensing authority. Since 2011 health bodies, directors of public health (DPH) in England (since April 2013) and local health boards (LHBs) in Wales have been included as responsible authorities under the Licensing Act 2003.

Purpose of this guidance note

The guidance note helps DPH (health body for England) and licensing colleagues to develop their understanding on how public health can contribute to the licensing regime and how licensing can contribute to public health. This guidance also introduces the DPH and the public health role to the licensing authority, other responsible authorities, the community and operators.

PHE is keen to maximise the impact of public health within the local licensing regimes and ensure that public health:

- performs its role as a responsible authority effectively
- is a consideration in local licensing policies
- is represented in licensing forums and partnership groups
- shares data and evidence with other responsible authorities

All responsible authorities in local areas should consider their own experiences, local needs and demands when considering how best to put this guidance into effect.

This guidance does not recreate or duplicate guidance already issued by the Home Office, other government bodies or local authorities. Instead, it provides practical ways of how DPH can maximise the effectiveness of their role and it includes local examples of where the DPH and their public health teams have had input to the licensing process.

Where the document refers to the 2003 Licensing Act section 182 guidance or other Home Office guidance, links have been added to direct DPH to the source information.

Before going into detail on how public health can respond to individual applications it is important that DPH are aware of and fully understand the:

- role of a responsible authority and what this means for public health
- importance of local licensing policies and how they can feed into this process
- licensing objectives and how they can become familiar with the extent and scope of the objectives

The following sections outline the DPH role as the responsible authority for health in England, local licensing policies and the licensing objectives, followed by more information on individual representations.

Health as a responsible authority

The guidance issued under section 182 of the Licensing Act 2003 outlines the role of the responsible authority. For more information on the role of responsible authorities refer to paras 9.11, 9.20 to 9.24 of the section 182 guidance:

www.gov.uk/government/publications/reviced-guidance-issued-under-section-182-of-the-licensing-act-2003 and the Home Office's additional guidance for health bodies:

www.gov.uk/government/publications/additional-guidance-for-health-bodies-on-exercising-functions

Each responsible authority brings unique expertise and experience to the promotion of the licensing objectives and contributes to the smooth administration of the licensing regime in its local authority area.

One of the primary reasons for including the DPH as a responsible authority is that public health may have access to information that is unavailable to other responsible authorities, which help the licensing authority exercise its functions.

The role of the DPH is to help promote the health and wellbeing of the local populations they serve. This is an expansive remit that influences a wide range of circumstances, including local licensing arrangements. Similarly the licensing regime is concerned with the promotion of the licensing objectives, which collectively seek to protect the quality of life for those who live, and work in the vicinity of licensed premises and those who socialise in licensed premises. This focus on the wellbeing of the wider community via licensing is an important addition to public health teams' existing work to promote the wellbeing in their localities.

As a responsible authority, DPH may, where they have appropriate evidence:

- make relevant representations on the likely effects of the grant or variation of a premises licence or club premises certificate on one or more of the licensing objectives
- make relevant representations on the review of a premises licence or club premises certificate where problems associated with one or more of the licensing objectives occur after the grant or variation of the licence or club premises certificate
- issue an application for the review of a premises licence or club premises certificate where problems associated with one or more of the licensing objectives occur after the grant or variation of the licence or club premises certificate.
- contribute to the development and review of the statement of licensing policy and have a key role in identifying and interpreting health data and evidence.

Other responsible authorities under the 2003 Act are:

- police
- fire service
- health and safety
- environmental health
- child protection services
- trading standards
- planning
- the licensing authority

Contact details for responsible authorities can be found on the licensing section of the local authority website or from the licensing authority directly.

Development and review of policy: the statement of licensing policy

The Licensing Act 2003 requires each local authority to prepare and publish a statement of licensing policy (SLP). The SLP provides the vision for the local area and a statement of intent that can provide a clear way forward to guide practice; local authorities must have regard to their SLP when carrying out their licensing functions. DPH should be familiar with the existing SLP and consider what, if any, contribution they can make to the development and review of the SLP so as to address relevant public health concerns.

Licensing policies must be reviewed every five years, or more frequently at the instigation of the licensing authority. The SLP must always be kept under review and sometimes reviewed specifically: eg, to include a cumulative impact policy (CIP) please refer to the 'Special policies: cumulative impact' section.

Before licensing policies are reviewed, there must be a consultation. This process varies depending on the local authority. DPH are advised to engage with the licensing authority early to establish when the SLP is to be reviewed and how public health can be involved.

DPH needs to be aware that the SLP cannot create new requirements for applicants outside of the Licensing Act, but it can invite them to consider local issues and set out how they can contribute towards positively addressing them.

The SLP does provide an important opportunity to incorporate relevant local public health concerns within the wider policy context of the local licensing authority. For example, including local health statistics on alcohol consumption, along with highlighting action that could help remedy any particular concerns.

Where DPH engage with the development and review of the policy, they need to ensure their involvement is relevant to the promotion of the four licensing objectives.

Where there is insufficient public health-related information, or such information is not readily available, but a DPH believes there is a local public health impact from the existence of licensed premises, he or she can consider conducting or commissioning a specific study to assess the position.

As a preliminary step DPH should develop an understanding of the public health role within the local licensing regime and consider their own long term strategic licensing goals. When considering the role that public health has in licensing, the more focused the engagement, the more effective and sustainable it is likely to be.

Any such preliminary consideration of public health's strategic goals should reflect the promotion of the four licensing objectives.

What public health can do:

- engage with the licensing authority to find out when the SLP is to be reviewed and what the review process will be
- conduct a health-impact assessment of alcohol in the local area; or, where one has been completed, assess its relevance to licensing
- engage with and collect the local views of the community and wider public health community
- investigate the health data for the area, including the wider public health and local alcohol profiles for England (LAPE) data www.lape.org.uk/
- engage the health and wellbeing board (HWB) in the consultation process to identify issues that would benefit from the support of licensing
- reference the SLP in alcohol harm-reduction strategies and other key local public health documents to ensure public health and licensing are aligned

Examples of public health involvement in SLPs

Newcastle

A member of the Newcastle public health team was seconded for three days a week to the licensing department to support the review of the SLP. This provided extra capacity to carry out a review, which included gathering a range of alcohol harm data from responsible authorities, such as alcohol-related crime, violence and anti-social behaviour, domestic violence, child protection notifications, domestic fires, hospital admissions, ambulance pickups and A&E attendances for assaults.

For the first time, the review also looked at the numbers of premises licensed for alcohol and late night refreshments in different geographical areas. This triangulation of data helped determine what areas had high numbers of outlets and alcohol-related harm, which enabled the policy to incorporate five new cumulative impact policy areas for off-licences and premises offering late night refreshment. The team also carried out a more extensive consultation with the public about what they thought about the impact of premises in their area, with nearly 200 responses to the consultation.

Lambeth

Lambeth is one of the most densely populated boroughs in the country, with a rapidly growing population. At the time of the development of the licensing policy, Lambeth had high rates of alcohol-related crime, violent crime and sexual offences.

In light of the above and the changes to the Licensing Act, Lambeth established a cross-party working group to review the council's SLP. The group held themed meetings, exploring various areas of licensing policy, taking evidence from appropriate officers, partners and outside bodies/individuals, before drawing these themes together and creating a new policy.

A range of public health stakeholders gave presentations to the working group. Among the evidence cited were:

- long-term studies showing the effect of price, advertising and availability on reducing consumption
- several academic studies establishing a positive correlation between outlet density and alcohol consumption and associated harms

This information was presented alongside Lambeth specific data, such as:

- the estimated number of dependant drinkers locally
- data from the British crime survey
- alcohol-related hospital admissions and ambulance call-outs
- the Lambeth Clinical Commissioning Group collaborative commissioning strategy plan refresh 2012
- the DPH annual public health report 2009-10

Drink Wise North West

Drink Wise reviewed all North West SLPs in order to understand the local commitment to the regulation of alcohol and to establish a baseline framework for the construction of a SLP. The review was based on three levels of commitment, which could be identified from reading local SLPs. The review was put through a scrutiny panel, leading to the design of the self-assessment framework. The framework was then piloted with four local areas and a workshop was held to help develop it further.

The finalised self-assessment framework helps local areas to hold structured discussion around the development of a local SLP. The questions are designed to take a review team on a journey of development and each question aims to be a starting point for discussion rather than a question to satisfy.

Using the framework, local areas can kick-start action to review their SLPs. The framework can be used to challenge and support all responsible authorities to think differently and look for new opportunities to reduce alcohol-related harms while recognising and reflecting local priorities.

<http://drinkwisenorthwest.org/resources>

Special policies: cumulative impact

Cumulative impact policies (CIPs) are another key means by which public health can become involved in licensing. The phrase, cumulative impact, is not used in the Licensing Act 2003. It appears in the secretary of state's guidance issued under section 182 of the Act and is defined in the guidance as: "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The number, type and density of licensed premises selling alcohol within an area may be such to give rise to serious problems of crime, disorder and/or public nuisance." These can also be described as cumulative impact areas or zones, or stress areas, though the Home Office defines it as a CIP.

For more information on CIPs see paras 13.23 to 13.38 of the section 182 guidance:
<https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003>

Paras 13.19 to 13.27 give detailed advice on the types of evidence that can inform a review of the cumulative impact of licensed premises. To these the DPH could add information such as:

- treatment data – number of people in the area in structured alcohol treatment
- deprivation in the area
- data on alcohol consumption in the local area
- statistics from the LAPE

Where there is insufficient public health-related information, or such information is not readily available but the DPH believes there are problems arising from the cumulative impact of licensed premises, he or she can consider conducting a specific study to assess the position.

The DPH should refer to the statement of licensing policy or speak to licensing colleagues for more information on CIPs in the local area.

Examples of public health involvement in CIPs

Blackpool

Blackpool currently has five CIPs: four off-licence and one on-licence. Public health instigated the CIPs by cross-referencing local hospital admissions data and A&E presentations with police data on violence, public order, drunk and disorderly, drinking in a public place offences, and social demographic profiles. This provided location-specific intelligence that highlighted a need to minimise further availability of alcohol in the five areas and the introduction of the five CIPs. CIPs have contributed to creating more professional and safe retail environments, minimising price competition, and enabling the town to attract family entertainment to replace vertical drinking and off-sales establishments.

Liverpool

The public health Liverpool epidemiology team produced a report to inform the proposal for a CIP in the Kensington area. The report included statistics on the wider determinants of health such as child poverty, pupil attainment and absence, first-time entrants to youth offending services, levels of alcohol specific hospital admissions, and level of deprivation and benefits. This information helped support the successful approval of the Kensington CIP.

The licensing objectives

The DPH and the public health team must become familiar with the extent and scope of the four licensing objectives and consider the extent to which relevant public health concerns are addressed within the 2003 Act. See paras 1.2 to 1.5:

<https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003>

This is essential to ensure that contributions from public health to the licensing process, ie, representations made by the DPH, are relevant. A representation is relevant if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

A representation will have greater weight if it is supported by evidence: such evidence is enhanced if it can be linked to the premises or the locality in which the premises is situated. For instance, an application is unlikely to be rejected or have conditions applied on the grounds that there are high levels of alcohol harm in the council area, but might be if high levels of street drinking can be shown to take place in the street where the application is made. Personal representations from members of the local community are also often well received.

The Licensing Act is a permissive scheme and the licensing authority only acquires a discretion to grant or refuse an application or to attach individual conditions to a grant if there has been a relevant representation. Therefore, it is of paramount importance that public health teams make a relevant representation if they have a concern about the application, or wish to bring the attention of the licensing authority to relevant information which may influence their decision.

The four licensing objectives are of equal importance and the promotion of the licensing objectives is of paramount consideration at all times. These objectives may be framed within the context of the wider licensing strategies of the local area. However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. See para 1.5 of the section 182 guidance:

<https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003>

For more information on the licensing objectives refer to the following sections of the 182 guidance.

- crime and disorder, paras 2.1 to 2.7
- public safety, paras 2.8 to 2.17
- public nuisance, paras 2.18 to 2.24
- protection of children from harm, paras 2.25 to 2.35

Crime and disorder

What public health can do:

- work with police, community safety colleagues and other responsible authorities to set up a system of sharing relevant information and data
- contribute relevant public health data and concerns to the development of the SLP
- support other responsible authorities by facilitating access to health information such as anonymised A&E data, linked to alcohol-related incidents. Collation of such data can provide a unique profile of the most problematic premises or streets in an area. Such information contributes to the development of local policy including cumulative impact policies and may also be used as part of a review application

- similar data may be collated from ambulance records, including place of pick-up and last drink data (or where most of a person's drinking has been done). This information can also contribute to the profile of the most problematic premises or streets in an area
- evidence of the health impact of illicit or counterfeit alcohol, eg, methanol poisoning, could provide information on illegal activity related to specific premises and help support trading standards and police data on illegal sales
- data and evidence should not be limited to negative impacts. For example, there may be evidence of local good practice schemes that promote the licensing objectives led by responsible authorities, the trade or by a partnership between them, such as Pubwatch, or restrictions on the sale or supply of super strength beers, lagers and ciders

Public health representation – crime and disorder

NHS Middlesbrough made a representation on the grounds of crime and disorder and public safety to support the application of the police to review a premises licence.

The public health team had serious concerns that public safety was being put at risk from violent incidents at the premises and the resulting injuries to the public. Along with police evidence of a number of serious incidents, public health presented specific information about the injuries sustained, the treatment they required and the NHS costs in treating these injuries.

The licensing committee allowed the premises to retain its premises licence with amended opening hours and strict conditions in relation to admission membership and CCTV. The applicant appealed the decision to the magistrates court. However, leading up to the appeal subsequent negotiations between the police, NHS Middlesbrough and the applicant, and with the approval of the licensing committee, resulted in agreed amendments to the new conditions.

Public safety

What public health can do:

- develop an understanding of the impact on the health of individuals, families and communities if the licensed premises did not have adequate safeguards in place to protect the public from accidents and injuries
- support the sharing of anonymised A&E information on victims of alcohol-related incidents, where it links to public safety with other responsible authorities or used in representations where appropriate
- investigate ambulance service data on pickups responding to loss of consciousness and/or alcohol poisoning
- explore the impact on emergency services, for example, multiple call-outs to premises that potentially impact on other ambulance service calls, thereby increasing the burden on the ambulance service

- develop an understanding of the impact of assaults and violence on victims and their families. For example, engage victim support services, sexual health services and police

Public health involvement in public safety review

Dudley public health team supported trading standards colleagues in an application to the licensing authority to review a premises licence on the grounds of selling counterfeit alcohol. Not only had the labels on the bottle been changed to avoid paying tax, but the contents had been altered – on testing it was found to contain industrial alcohol.

The public health team provided details of the potential harm to individuals if they ingested this alcohol. At the hearing the licensee's legal counsel challenged trading standards and police on their statements, but declined to challenge the scientific statement from public health. The licensee was given a temporary suspension of his licence in order to meet additional requirements, including re-training and proper accounting systems to show where alcohol was being purchased.

Public nuisance

What public health can do:

- support the licensing authority and environmental health teams by facilitating access to public health information such as A&E data linked to alcohol-related incidents of crime, disorder or nuisance
- work with environmental health team and other responsible authorities to set up a system of sharing relevant information and data, including details of nuisance
- contribute relevant public health data and concerns to the development of the SLP
- provide evidence about the impact on the mental health and wellbeing of vulnerable sectors of the local community, who might then go on to commit crime, disorder or nuisance. An example might be the impact of street drinkers and their impact on the community

Public health representation – public nuisance

Newcastle public health team made a representation under public nuisance and crime and disorder, objecting to the granting of a new licence. The area where the application was proposed had identified problems of street drinking and sales from the off-trade to people who are often already drunk, resulting in alcohol-related anti-social behaviour. This had caused nuisance, and distress to local businesses, members of the public and others and had led to the police seeking anti-social behaviour orders to try and alleviate the situation.

The team raised concerns that the applicant hadn't provided any indication in the application how it would minimise the sale of alcohol to street drinkers,

such as how staff will be trained and supported to refuse alcohol sales or how processes would prevent the sale of alcohol to people who are drunk.

The team presented evidence to suggest the application would increase the local threat of public nuisance, alcohol-related anti-social behaviour and crime and disorder, and so would not meet the council's licensing objectives. The team used information from the Newcastle Alcohol Watch scheme, which traces discarded and seized alcohol containers back to retailers. A recent survey of the city centre had shown that 209 alcohol containers were identified in the city centre area. Of the 209 containers, over half were found or seized in the street within in the vicinity the proposed premises, confirming it was a hot spot for street drinking in the city.

The team also provided research to show that the factors which increase consumption are low-cost alcohol, the proximity of premises selling alcohol and the length of opening times – these combine to make alcohol more affordable, more available and easier to consume. The team successfully argued that as the density of alcohol retailers increased in the area it could lead to increased competition and a reduction in alcohol prices, making alcohol even more affordable, resulting in more consumption and public nuisance.

The licensing committee upheld the public health representation and the licence was refused.

Protection of children

What can public health do?

- develop an understanding of the potential risks to children and engage with the full range of children's services across statutory and voluntary organisations
- engage with the local safeguarding board, and children and family services, to set up a system of sharing relevant information and data with other responsible authorities. Relevant information could include the number of young people in the area accessing specialist substance misuse services and other local children's data that may be affected by alcohol sales, such as the number of young people NEET, the number of young people on the at risk register, the number of young offenders
<http://www.chimat.org.uk/default.aspx>
- consider the proximity of the premises to local family centres, schools, play groups, community youth centres and other venues where children are present
- work with trading standards colleagues and provide local data on children and young people's drinking. This information could be helpful in identifying potential areas of underage sales or proxy sales

- share anonymised A&E attendance of young people due to alcohol poisoning and other alcohol-related incidents with other responsible authorities. Where relevant include this information in polices or representations

Public health representation – protection of children

Bury public health team put in a representation to refuse a 24/7 home-delivery service to be based in an area of Bury with a high prevalence of alcohol-related hospital admissions, more children under 16 compared to the national average, and an overall younger profile than the rest of Bury. Along with the police, public health successfully argued against the application on the grounds of all four licensing objectives.

Public health used demographic data, information on fake identification, and research on children and alcohol, to show that the control measures and procedures proposed by the applicant to prevent sales to under-18s were not sufficient. They were able to show that there was a serious risk that purchases could be made by or for under-18s. The panel decided not to grant the licence; no appeal was made.

Partnership working

The DPH is in a unique position to bring together operators, responsible authorities and the community to address the impact of licensed premises on local populations.

It is recommended that the DPH and other responsible authorities engage with each other to maximise the use of public health intelligence in the licensing process. Many areas have a joint local licensing group or forum where licensing issues are discussed. In some cases, specific public health and licensing groups have been set up.

Public health partnership working

London

The London licensing panel group brings together the police, licensing authorities, trading standards, environmental health, HMRC, mayor's office for policing and crime (MOPAC), and public health, to discuss licensing issues across London. The group:

- provides a joint agency strategic view on approaches to alcohol licensing
- engages on alcohol licensing issues of relevance to London, such as providing a joint response to consultations and policy statements
- exchanges information and ensures awareness and understanding of member actions and priorities, including initiating and entering into joint projects where appropriate.

West Midlands

The West Midlands alcohol licensing and public health network is hosted by Learning for Public Health West Midlands. Its purpose is to develop the public health role in relation to licensing, by sharing and developing good practice, improving data and intelligence and working together to influence and inform strategy and policy at a senior level across the West Midlands.

It is important to engage with elected members, including ward councillors, who may have local knowledge that enables public health teams to pinpoint hotspots of local alcohol harm and/or high levels of consumption. This soft data can help public health teams target interventions or to commission further research to inform representations on licence applications.

DPH and local authorities might want to consider public health support for the training and development of stakeholders to facilitate their understanding of public health. Alternatively, licensing teams could provide valuable training and insight on the licensing legislation and processes.

There have already been a number of local and regional training events explaining the role of public health to a wider audience involving local councillors, other responsible authorities and trade representatives. In areas where the role of public health is not being fully realised, it is suggested that similar events are promoted.

Depending on the nature of the application and local circumstances, it might be appropriate to engage with the applicant directly in the first instance to clarify public health concerns. Such negotiations might result in the amendment of the operating schedule to incorporate conditions addressing DPH concerns. Since the Police Reform and Social Responsibility Act (2011), licence applicants can be asked to demonstrate local knowledge and DPH should ensure this is done.

Public health example

South Leeds is an area of deprivation, with increasing numbers of outlets to buy alcohol, but a decline in the number of pubs. NHS Leeds (as was) and the local community officers had increasing concerns about the availability of alcohol in the area, along with an increase in street drinking and generalised disorder. The publication of the joint strategic needs assessment (JSNA) highlighted a disparity in the life expectancy of residents in the area compared with other areas in Leeds and the national average.

The Leeds City Council south Leeds area team formed the South Leeds Alcohol Group, a multi-agency action group, to reduce the health harm in the area linked to alcohol.

Until 2012 licensing authorities had no ability to ensure that operators had regard for the

local area when making their application. This changed in 2012 with the adoption of a new statutory guidance issued by the government. This opened the door for local guidance to assist applicants when making their application and elected members when they make licensing decisions.

The group developed local licensing guidance specifically for postcode areas of LS10 and LS11 (south Leeds). The health data used to help inform this guidance was from the JSNA and locality middle level super output area (MSOA) health profiles, which are put together from GP practice data. A&E alcohol-related admissions by postcode, which confirmed LS10/11 had the highest incidents, was also used.

In the past 12 months ten applications for premises selling alcohol off the premises have been received for this area. Of these nine agreed to control measures while one application was withdrawn prior to hearing.

Groups such as Pubwatch, Best Bar None schemes and community alcohol partnerships (CAPs) can provide a practical forum to engage with DPH concerns.

Other key local services, stakeholders and agencies, such as alcohol treatment providers, homeless hostels and local services responsible for safeguarding children, often have limited engagement with local licensing processes. They are key organisations in providing information, expert opinion and local intelligence on issues regarding their service users and can be an invaluable source for licensing teams.

Identifying and setting criteria for responding to applications

DPH will have different priorities in their local authority areas. An understanding of these priorities provides a useful framework for determining whether to make relevant representations.

Not every application will need a response from public health. Instead DPH or their nominated public health leads should identify the types of applications that could potentially cause issues and are likely to have a negative impact on the promotion of the licensing objectives.

For example, a new application for a 24-hour vertical drinking establishment could have a major impact, while a minor variation an existing licence for a local restaurant may have minimal impact.

Applications will provide information indicating specifically what the operator is applying for, off-licence or on-licence (or both), whether food is being serviced or live music performed. It will also include the hours and days during which alcohol will be sold. This information is

useful in helping DPH identify the applications that may have a negative impact on the promotion of the licensing objectives.

For example, a DPH might want to consider the following:

- sift the types of applications received
- identify what issues/potential harms might be linked to the different types of applications
- decide which types of applications are a priority for public health and/or other responsible authorities

Example application	Possible issues	Possible public health action
Application for a new licence or variation in a cumulative impact zone	Issues have been identified in the area where the applicant is requesting a licence or variation and a CIP has been put in place	Investigate further and put in a representation where appropriate data and or information is received
Review of a premises licence by another responsible authority	Specific issues have been identified with this premises by other responsible authorities	Support other responsible authorities with data and information or public health representation if appropriate
Other responsible authorities are putting in a representation	Concerns from other responsible authorities	Support other responsible authorities with data and information or public health representation if appropriate

<p>The application is for a high volume/vertical drinking and entertainment establishment</p>	<p>This type of large, mainly high-street public house whose business model is to turn around high volumes of alcohol quickly, with the premises cleared of most furniture, to allow maximum numbers of (standing) persons within</p> <p>Ambulance call outs, A&E, antisocial behaviour, under-age drinking</p>	<p>Investigate further and put in a representation where appropriate data and/or information is received</p>
<p>Late night refreshment establishment</p>	<p>Possible issues with antisocial behaviour, A&E attendance due to assault</p>	<p>Investigate further and put in a representation where appropriate data and or information is received</p>
<p>Late night licence, such as night clubs or entertainment premises operating after midnight</p>	<p>Ambulance call-outs, A&E attendance, ASB, under-age drinking</p>	<p>Investigate further and put in a representation where appropriate data and or information is received</p>
<p>Off-licence</p>	<p>Issues with street drinking, child safety, close vicinity to treatment services, number of off-licences in a particular area</p>	<p>Investigate further where the off-licence is in an area of high alcohol-related harm</p>
<p>Restaurants and other food lead venues with licences before midnight</p>	<p>Less concern for public health, as this is a food-led venue</p>	<p>Minimal impact, no action</p>
<p>Theatre bars before midnight</p>	<p>Less concern for public health, as this is a performance-led premises</p>	<p>Minimal impact, no action</p>
<p>Minor variations</p>	<p>Small changes to premises will have minimal impact</p>	<p>Minimal impact, no action</p>

Public health example

Lambeth

The DPH for Lambeth commissioned the Safe Sociable London Partnership (SSLP) to develop a process to review all the licensing applications the DPH received, to allow the public health team to identify if a response from public health was needed and, where necessary, to make effective representations. SSLP was asked to implement the process for a five-month pilot period. During the pilot, SSLP reviewed all applications, which included new applications, variations and reviews.

The process consisted of five steps:

1. Reviewing applications against a set of criteria, which were developed through discussions with partners in police, licensing, trading standards, public health and other responsible authorities. These criteria took into account local issues in Lambeth and priorities that public health would like to engage with through the licensing process.
2. Using data-scanning tools developed by SSLP to decide whether there was evidence to show whether a premises could impact alcohol related-harm in Lambeth at a postcode specific level. The data used included crime, health (such as ambulance pickups) and geographical information such as locations of schools and hostels.
3. Engaging with partners and interrogating data, for example, locations of treatment centres and hostels, to get a well-rounded view of the application and its impact.
4. Using a decision matrix to decide whether the DPH should make a representation concerning the license of a particular premises.
5. Making a representation if appropriate, and attending licensing sub-committee meetings to discuss these representations.

Islington

Islington public health team created a simple tool to assess applications in the context of alcohol-related harm. The tool mapped alcohol-related crime, ambulance incidents, and hospital admissions at small area level along with the geographical concentration of existing licensed premises.

The intelligence gathered from the tool was used to determine the extent of alcohol-related harm in the area around premises applying for a licence to sell alcohol or to extend their permitted hours

Where there was evidence of alcohol-related harm significantly above the borough's average it was presented to the local licensing committee. To date, 13 licence

applications with evidence of high levels of harm in the local area have been refused. Two licences to sell alcohol 24-hours a day were granted, but with reduced hours.

Information and information sharing

Good information sharing is critical if local partners and the licensing authority are to understand the scale and range of the challenges in their area.

The DPH will need to be clear on what health information is available and how this information can be used and shared with other responsible authorities.

When reviewing what information is available, the DPH should think about:

- what types of data and evidence are available that can be linked to specific premises or the general area and that can be used as part of a representation – for example, A&E assault data
- what information can be used to input into the SLP or development of a cumulative impact zone or other special policies
- what information can be used to provide an overview of the local area's health, social care needs and levels of deprivation, to provide a context to licensing issues
- who will benefit from having access to this information
- whether it is appropriate to share that information
- what additional information is needed and how it can be collected

Any information collected by the DPH will still need the local context, to identify the local circumstances and describe the local area and the location.

Information sharing across a range of organisations can require agreed protocols and procedures for sharing information, and governance systems in place to safeguard its use. In some cases, these will need high-level agreement at a chief officer level with strategic agreements in place as to the legal requirement and purpose for the information sharing.

The DPH will therefore need to have agreements in place in order to access and use information from a range of health care providers. For example, for the services they commission, DPH may want to think about stipulating within service specifications that they have access to information that could support licensing decisions.

Local clinical commissioning groups may also need to be engaged in a similar way, so that appropriate information sharing can be included within the service specifications and practice of local NHS services.

Public health example

Since August 2012, the public health team in Newcastle has been actively involved in the licensing process. As capacity was not unlimited, the team prioritised its efforts on applications for off-licences and, in particular, in areas experiencing the greatest alcohol harm. During this period, the public health team made nine successful challenges, resulting in the refusal, revocation or withdrawal of premises licences and applications for off-licences. It also negotiated with a number of applicants to improve the conditions on licence, such as hours of sale and, where alcohol is displayed and advertised on the exterior of premises.

In support of successful objections the team has provided data on: alcohol-related hospital admissions for under-18 year olds, ambulance pick-ups, alcohol-related A&E attendance for assaults and domestic violence and child protection hot spots.

The public health team has also been key in bringing in extensive evidence from academic research about alcohol availability and its impact on consumption, underage drinking, alcohol-related violence and domestic violence.

Presenting representations on behalf of the DPH

Most council websites will provide local guidance that explains who is entitled to make a representation, how the representation should be made and the process that follows, once representations have been received. The Section 182 guidance section 'Determining applications' para 9.1 to 9.10 provides information on the process for representations.

DPH should take note of their local process and, when making a relevant representation, it is recommended that the DPH:

- states which licensing objective(s) are affected by the application
- sets out the evidence or information (including details of witnesses) that is relied upon. It is important to highlight the specific local information first and provide any supporting information to set the background of the representation
- indicates whether the application is objected to entirely or whether conditions would allay the concerns which have been expressed
- in any case, states what conditions ought to be considered if the application is to be granted

Representations should be directed at the particular circumstances of the application. Generic representations are less likely to be given weight by the licensing authority.

Using licensing conditions

Licensing conditions are imposed upon the grant of a premises licence or club premises certificate, where it is considered necessary for the promotion of the licensing objectives. Each DPH is advised to carefully consider what, if any, conditions might be considered appropriate to address relevant concerns raised by the particular application.

For more information on conditions refer to the Section 182 guidance ‘Conditions attached to premises licences and club premises certificates’ paras 10.1 to 10.64 and the Home Office ‘Guidance on mandatory licensing conditions for suppliers of alcohol and enforcement authorities in England and Wales’:

www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions

The DPH is reminded that each case is to be considered on its own merits and in light of the particular local circumstances of the licensing authority. Conditions must not duplicate other regulatory regimes, such as health and safety requirements. In some cases, voluntary conditions have been added to the licences in discussion with the applicant.

Public health example

Lambeth public health team put in a representation for an application for a new licence to operate a 24-hour alcohol and tobacco home-delivery service. As the service provided alcohol for the whole borough, the public health team used data and evidence related to the whole borough rather than specific postcodes. The data included drinking habits and public health issues, as well as crime and disorder and public nuisance. It also included published evidence on the impact of delivery services and on issues surrounding underage sales.

In consultation with licensing colleagues, the public health team pulled together a set of conditions that it felt was appropriate to the application and addressed the issues that undermined the licensing objectives. The licensing authority then negotiated the conditions with the applicant on behalf of public health. The applicant agreed to the conditions and the licence was granted.

Useful links and resources

www.alcohollearningcentre.org.uk (Alcohol Learning Resources)

www.local.gov.uk/regulatory-services-and-licensing (Local Government Association)

www.acpo.police.uk/ACPOBusinessAreas/Default.aspx (Association of Chief Police Officers)

www.tradingstandards.gov.uk/ (Trading Standards Institute)

www.cieh.org/ (Chartered Institute of Environmental Health)

www.alcoholresearchuk.org/ (Alcohol Research UK)

www.instituteoflicensing.org/ (Institute of Licensing)

www.naleo.org.uk/ (National Association of Licensing and Enforcement Officers)

www.alcoholpolicy.net/ (Alcohol Policy UK)

<http://lginform.local.gov.uk/> (Local Government Association)

Journal of Licensing (incorporating a public health update three times a year)