

APPENDIX B

Licensing Act 2003 – Three Year Review of the Southwark Statement of Licensing Policy – Responses received to public consultation (summer 2010)				
Respondent	Contact	Status	Response	Comment
General				
Alex Trouton (on behalf of Southwark PCT)	NHS Southwark, 160 Tooley Street, SE1	Public health department	<p>From the point of view of health, a local licensing policy offers the opportunity to support a population based approach to reducing alcohol related harm. In particular it protects people who may be at risk of drinking at damaging levels and may also be instrumental in creating an environment that supports lower risk drinking. The recent NICE <i>Guidance Alcohol-use disorders - preventing the development of hazardous and harmful drinking</i>. (available at http://guidance.nice.org.uk/PH24) notes that alcohol related harm is now a major public health issue and suggests that licensing departments need to take into account the links between the availability of alcohol and also alcohol related harm. NICE guidance offers recommendations that are based on stringent evaluation of current evidence and cost effectiveness as well as consultation with a wide range of experts and stakeholders. Implementing it benefits the whole community. Its first three recommendations are for central government to consider and would require legislation. They relate to setting a minimum price for alcohol; restricting availability and encouraging a stronger role for health in considering licensing applications; and limiting children and young people's exposure to advertising and marketing.</p> <p>Recommendation 4 of the guidance is aimed at Licensing and other relevant authorities:</p> <ul style="list-style-type: none"> • Use local crime and related trauma data to map the extent of alcohol-related problems before developing or reviewing a licensing policy. If an area is 'saturated' with licensed premises and the evidence suggests that additional premises may affect the licensing objectives, adopt a 'cumulative impact' policy. If necessary, limit the number of new licensed premises in a given area. • Ensure sufficient resources are available to prevent under-age sales, sales to people who are intoxicated, proxy sales (that is, illegal purchases for someone who is under-age or intoxicated), non-compliance with any other alcohol licence condition and illegal imports of alcohol. • Work in partnership with the appropriate authorities to identify and take action against premises that regularly sell alcohol to people who are under-age, intoxicated or making illegal purchases for others. • Undertake test purchases (using 'mystery' shoppers) to ensure compliance with the law on under-age sales. Test purchases should also be used to identify and take action against premises where sales are made to people who are intoxicated or to those illegally purchasing alcohol for others. • Ensure sanctions are fully applied to businesses that break the law on under-age sales, sales to those who are intoxicated and proxy purchases. This includes fixed penalty and closure notices (the latter should be applied to establishments that persistently sell alcohol to children and young people). <p>Much of this is present in the draft statement of policy, however as the enforcement recommended will require resources, as will the timely provision of intelligence around emerging problems to the relevant authorities, it is highlighted here.</p> <p>We suggest that in the final version of the statement of licensing policy, this NICE guidance is referred to and measures that the guidance recommends be strongly supported in the strategy.</p>	<p>The comments provided from the PCT are noted and welcomed. This authority looks forward with interest to the outcome of the Home Office consultation on "Rebalancing the Licensing Act" and, especially, whether health matters will receive increased focus within the revision of the Act.</p> <p>In the meantime, we can confirm that each of the matters addressed by recommendation 4 of the guidance are acted upon by this authority and are referenced within the draft policy.</p> <p>Data sources provided together with this submission are also welcomed.</p>

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			<p>We recognise that this consultation needs to take place within the existing legislative framework – which does have a number of gaps and anomalies harmful to aspects of health and community well-being. It is relevant that there is currently a Home Office consultation <i>Rebalancing the Licensing Act</i> (closing 8.09.10) which addresses possible deficiencies in the current licensing framework. We particularly support these three objectives believing that they have a significant role in encouraging healthier patterns of alcohol consumption.</p> <ul style="list-style-type: none"> • Increase the opportunities for local residents or their representative groups to be involved in licensing decisions, without regard to their immediate proximity to premises. • Enable more involvement of local health bodies in licensing decisions by designating health bodies as a responsible authority and seeking views on making health a licensing objective. • Ban the sale of alcohol below cost price. <p>(Although where the last measure is concerned, we would prefer to see the NICE recommendation of a consistent price per unit of alcohol)</p> <p>We suggest that the final version of the statement policy notes this consultation as future legislation around licensing may mean that it needs updating before 2014.</p> <p>Increasingly there are accessible sources of data for alcohol and its impact locally. E.G. The Local Alcohol Profile http://www.nwph.net/alcohol/lape/LAProfile.aspx?reg=h Alcohol attributable admissions in London http://www.lho.org.uk/viewResource.aspx?id=16269</p> <p>There is also a useful background summary Indications of Public Health in the English Regions 8: Alcohol – Executive summary at : http://www.apho.org.uk/resource/item.aspx?RID=39377</p> <p>We suggest that some of this data might appear in an appendix to this licensing statement in order to provide some kind of context and rationale for the recommended licensing framework as well as giving an indication of trends. Alcohol related crime appears to be a particular issue in Southwark. In 2008/9 4462 crimes (2395 of which were violent) were attributable to alcohol, a slight drop compared to previous years but nevertheless well above the average for London boroughs. It would be helpful if the statement can provide some analysis of patterns of crime and how licensing measures/enforcement will seek to address them.</p>	
Executive summary				
Alex Trouton (on behalf of Southwark PCT)	NHS Southwark, 160 Tooley Street, SE1	Public health department	Page 5 paragraph 4. Also mention negative impacts on health and extra costs to the public purse such as extended policing, use of A and E, additional street cleaning, alcohol fuelled cases entering the criminal justice system.	Noted and included.

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Section 2 – All about Southwark				
Alex Trouton (on behalf of Southwark PCT)	NHS Southwark, 160 Tooley Street, SE1	Public health department	Page 8 paragraph 7 Newer demographic data now available based on ONS population projections based on 2008 mid year estimates. Total Southwark population now estimated at 292,000 (27.05.10)	Noted and amended
Section 4 – Administration, exercise and delegation of function				
Robert Faux	City Operations Team, GLA, City Hall, The Queen's Walk, More London, London, SE1 2AA		Thank you for the opportunity to review and comment on the draft Licensing Consultation for Southwark. As part of the City Operations programme, which is working to prepare the City and its services for 2012, we would like you to consider including the below paragraph in your Licensing Policy in the area of Events. At Games time many functions will not be able to operate under business as usual conditions and it should be recognised that London will have a finite emergency services resource in 2012. This wording has been put together collaboratively by a number of Boroughs, the GLA, TfL, Olympic Security Directorate, NHS and the emergency services (LFB, LAS, MPS, BTP) as part of London's 2012 planning and we think its inclusion will be one step in the preparations for the Games. "The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is [the Council's policy] likely that such applications will not be granted."	Clause included within draft policy
Alex Trouton (on behalf of Southwark PCT)	NHS Southwark, 160 Tooley Street, SE1	Public health department	Page 19 / 20 Email address given for licensing register does not work. Needs .asp added. Authorisation forms are downloaded from www.southwark.gov.uk/info/20063/licences rather than the address provided. Suggest checking all Southwark email addresses provided here as the whole site has been redesigned this year. Needs to be clear and supportive to members of the community who wish to comment on applications	Noted and amended.
Section 6 – Other policies, objectives and guidance				
Alex Trouton (on behalf of Southwark PCT)	NHS Southwark, 160 Tooley Street, SE1	Public health department	Page 29. Paragraph mentioning the Southwark Alcohol Harm Reduction strategy needs updating to reflect the recent strategy. We would like to see protection of the public's health added to the three licensing objectives at the foot of the page.	Noted.
Section 7 – The first licensing objective – The prevention of crime and disorder				
Jagat Singh Tal & Savinder	Global Food & Wine, Lynton	Premises licence holder	Section 7 was very useful because it breaks all or most of the points on what to do and what not to do which refreshes the mind. Other information was useful but in particular I liked section 7.	Comment noted.

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Singh Tal	Road, Bermondsey, Southwark, SE1			
Alex Trouton (on behalf of Southwark PCT)	NHS Southwark, 160 Tooley Street, SE1	Public health department	Page 36 Although mention is made on P.14 of enforcement powers around selling alcohol to people who are demonstrably drunk, this needs to be added to the table of crime and disorder controls and would apply to all the settings shown in Table 2.	This enforcement power, while important, is not a matter which should be referenced in potential licence conditions.
Alex Trouton (on behalf of Southwark PCT)	NHS Southwark, 160 Tooley Street, SE1	Public health department	Page 38 There is evidently a body of intelligence and mapping around local patterns of alcohol related crime and nuisance. Paragraph 5 states that this is available from the Licensing Team. We would like to see this data made publically available – if there is to be greater input from local communities around this issue and better collaboration, this evidence base needs to be made more accessible. We are supportive of the use of a saturation policy where there is evidence of harmful drinking and negative impacts on the community. The recent NICE review of evidence demonstrated an association between the number of alcohol outlets and increases in alcohol consumption as well as a range of outcomes including rates of violence, drink-driving, pedestrian injury, and child maltreatment.	Partnership analysis is made available at the time that the matter is reported to the Licensing Committee. This occurs on a six-monthly basis.
Alex Trouton (on behalf of Southwark PCT)	NHS Southwark, 160 Tooley Street, SE1	Public health department	Page 42 This section may need some updating and redrafting as, the Policing and Crime Act 2009 dealt with some of the concerns outlined in this section. 'From 6 April 2010, local authorities will be able to require all lap dancing clubs in their area, including existing venues, to apply for a sex establishment licence if they want to continue to operate lawfully. Where the new provisions are adopted, local people will then be able to oppose an application for a lap dancing club on the basis that it would be inappropriate given the character of their local neighbourhood.' This excerpt taken from http://www.parliament.uk/briefingpapers/commons/lib/research/briefings/snha-04751.pdf	Section amended and new policy on sex establishments licensing is in preparation.
Emily Scantlebury (on behalf of Local Government Regulation LGR)			Although paragraph 13.33 of the SoS Guidance states that "it would normally not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption of the premises" several authorities have successfully introduced cumulative impact policies that include off-licences. Local Government Regulation advises that if off licences are to be included within a cumulative impact policy, then it is recommended that the policy highlights specific problems relating to the impact of off licence premises, for example underage sales and proxy purchasing, street drinking and "pre-loading".	Noted and included.
Sally Slade, Trading Standards Unit Manager	The Chaplin centre, Thurlow Street, London, SE17	Responsible authority	Opening section – Include tax evasion and smoke free environments in list of relevant issues	Noted and included
Sally Slade, Trading	The Chaplin centre, Thurlow	Responsible authority	Suggested insertion – The sale and possession of smuggled, bootlegged or counterfeit products and handling stolen goods – The guidance to the Act indicates that offences can be committed by certain	Noted and included

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Standards Unit Manager	Street, London, SE17		<p>persons in licensed premises if they allow the sale or supply of smuggled bootlegged or counterfeit goods on the premises. This is in particular relation to alcohol and tobacco products but may also include the sale of other counterfeit products such as DVDs and CDs and the handling of stolen goods.</p> <p>Smuggled – foreign brands illegally brought into the UK.</p> <p>Bootlegged (duty free) Foreign products brought into the UK in illegal quantities and / or resold in the UK.</p> <p>Counterfeit – Fake goods and packaging, cheap low quality and often dangerous products packed to look like premium UK brands</p> <p>Offences are for selling illicit products but also for employees permitting sales and for employees buying or selling.</p> <p>To prevent these offences occurring the licensee should consider taking certain precautions. Advice on this can be obtained from the council's trading standards service</p>	
Section 9 – The third licensing objective – The prevention of nuisance				
Alex Trouton (on behalf of Southwark PCT)	NHS Southwark, 160 Tooley Street, SE1	Public health department	<p>Although litter/appropriate disposal of waste is mentioned, more general issues of street fouling (particularly urination and vomiting) is not. This is something that greatly upsets local residents and needs to be specified as something licensees have a responsibility to avoid.</p> <p>Areas such as Westminster and Camden and which have well-developed night time economies tend to have large numbers of 24 hour public toilets. Currently Southwark has few. Is this an issue that needs to be considered?</p>	Not a matter for this policy.
Section 10 – The fourth licensing objective – The protection of children from harm				
Sally Slade, Trading Standards Unit Manager	The Chaplin Centre, Thurlow Street, London, SE17	Responsible authority	<p>The 2008 Smoking Drinking and Drug Survey found the average weekly intake for pupils aged 11-15 who had drunk alcohol in the week before they were surveyed was 14.6 units. More than double since 1990.</p> <p>12,718 children in England aged 11-17 were admitted to hospital in 2008-9 with an alcohol related condition (3,556 aged 11-15 and 9,164 aged 16-17). The UK has one of the highest rates of admission to hospital or A&E due to alcohol use by 15-16 year olds.</p> <p>Frequency of drinking is associated with offending in children and young people. The 2004 Offending, Crime and Justice Survey found those who drank alcohol once a week or more committed a disproportionate volume of crime, accounting for 36% of all offences but only 14% of respondents.</p>	Noted and included
Sally Slade, Trading Standards Unit Manager	The Chaplin Centre, Thurlow Street, London, SE17	Responsible authority	<p>Revision to section on purchase and consumption of alcohol by minors. The council shares the government's concern over the ease of purchase and level of consumption of alcohol by minors and it's related harm and anti-social behaviour. This was reflected in the years since the Licensing Act was introduced in a commitment to fund an additional enforcement programme to reduce the level of underage sales within the borough funded through the neighbourhood renewal programme. This was in addition to funding made available across the UK through the Home Office funded alcohol harm reduction programmes during 2007-2009. (Test purchase results provided for past 6 years). The trading standards service, in it's role as responsible authority within licensing objective 4, considers each individual licence application and, depending on the identified risks, recommends a range of management controls as set out below in fig 2 (figure 2 provides existing policy update to reference challenge 25 and think 25). Recent changes to the Licensing Act require that a licence holder has an age verification policy in place. This has not changed our approach significantly; however we have</p>	Noted and referenced

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			updated our business advice to indicate this requirement and to indicate our support for the national 'Think 25' policy. The package that is provided by trading standards includes a local proof of age card, a Good Trader award scheme, a range of business advice information leaflets and other support materials such as posters and point of sale material. We are currently also offering an in-house training programme which, in the near future, will also be backed by the TSI sponsored 'Fair Trader' award.	
Sally Slade, Trading Standards Unit Manager	The Chaplin Centre, Thurlow Street, London, SE17	Responsible authority	<p>New section – The Southwark Proof of Age (SPA) Card – In order to assist licencees avoid underage sales, the Council's Trading Standards Service has introduced a local PASS approved proof of age card. The SPA card is available to 16 – 18 year olds via their school or college. It is also made available through other youth settings by individual application up to the age of 25.</p> <p>There are currently around 3,500 SPA cards in circulation and 7 of the 13 Southwark secondary schools and colleges have a process in place to make the card available to all students. This authority would encourage licensees to ask for the card and accept it as evidence.</p> <p>Anecdotal evidence is that many clubs will only accept driving licences and passports as they are concerned that other cards can be copied too easily. This is not the case. In fact the most commonly copied document is the driving licence. Cards bearing the PASS hologram cannot easily be copied.</p> <p>PASS approved proof of age cards have recently been publicly supported by the Home Office and ACPO as reported in 'The Publican'. http://www.thepublican.com/story.asp?sectioncode=7&storycode=68141&c=1 The Publican Wed 27th October 2010</p> <p>For further information on introducing an age verification policy, to access the training programme or to obtain the materials itemised above, please contact the trading standards service (for contact details see section 12 of this document)</p> <p>In detailing the council's recommended approach to preventing under-age sales it is recognised that some sales may be made through intimidation or fear. Licensees experiencing such problems are advised to discuss their situation with licensing or trading standards. Furthermore the council's health and safety team runs conflict resolution training aimed at helping deal with threat of violence and aggression in the workplace. For further information please see the contact details in section 12.</p> <p>www.southwark.gov.uk/ageverification</p>	Noted and included
General				
Local resident	Peckham Road, Camberwell, SE5	Premises & personal licence holder. Local resident.	Very good	Comments noted.
Emily Scantlebury (on			It is possible that the provisions of the Crime and Security Act 2010 relating to "early morning alcohol restriction orders" could be brought into force during the consultation / adoption process. DCMS has	Noted.

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behalf of Local Government Regulation LGR)			advised that licensing authorities should devise policies based on provisions that are in force only, and not to include references to early morning restriction orders in draft policies. LGR will update this advice should we receive a likely date for the commencement of this provision. With regard to the likely changes to the TENS timescales, the same principle applies, until the legislation changes the current timescales should remain within draft policies and LGR will provide an update as soon as further information is available from central government.	